

ORDER ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION


The attached 115 pages of regulations, dealing with Air Quality Control, 18 AAC 50, including handwritten edits by the Department of Law, are hereby adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 44.46.025; AS 46.03.020; AS 46.03.710; AS 46.14.010; AS 46.14.020; AS 46.14.030; AS 46.14.120; AS 46.14.130; AS 46.14.140; AS 46.14.150; AS 46.14.160; AS 46.14.170; AS 46.14.180; AS 46.14.210; AS 46.14.211; AS 46.14.230; AS 46.14.240; AS 46.14.250; AS 46.14.255; AS 46.14.280; AS 46.14.285; AS 46.14.290; AS 46.14.300; AS 46.14.560; AS 46.14.990 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action, as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: August 31, 2004  
Juneau, Alaska

  
\_\_\_\_\_  
Ernesta Ballard, Commissioner

FILING CERTIFICATION

I, Loren Leman, Lieutenant Governor for the State of Alaska, certify that on \_\_\_\_\_, 2004, at \_\_\_\_\_ .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

\_\_\_\_\_  
Lieutenant Governor

Effective: \_\_\_\_\_.

Register: \_\_\_\_\_.

18 AAC 50.005(b) is amended to read:

(b) The requirements of this chapter apply to any person who allows or causes air pollutants [CONTAMINANTS] to be emitted into the ambient air. (Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

The lead-in of 18 AAC 50.010 is amended to read:  
AS 46.14.010 18 AAC 50.010. Ambient air quality standards. The standards for concentrations of air pollutants [CONTAMINANTS] in the ambient air, measured or predicted by an analytical method described in 18 AAC 50.215, are established as follows:  
(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am \_\_/\_\_/\_\_, Register \_\_)  
18 AAC 50.015(a) and the lead-in to (b) are amended to read: Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, AS 46.14.010 SLA 1993

18 AAC 50.015. Air quality designations, classifications, and control regions. (a)

To identify an area by its air quality, all geographic areas in the state are designated by the federal administrator as "attainment," "nonattainment," or "unclassifiable." An area is designated "attainment" for a particular air pollutant [CONTAMINANT] if its air quality meets the ambient air quality standard for that air pollutant [CONTAMINANT]. If air quality does not meet the ambient standard for a particular air pollutant [CONTAMINANT], that area is designated "nonattainment" for that air pollutant [CONTAMINANT]. If there is insufficient information to classify an area as attainment or nonattainment for a particular air pollutant [CONTAMINANT], the area is designated "unclassifiable" for that air pollutant [CONTAMINANT].

(b) The following areas have been designated by the federal administrator as "nonattainment" for the specified air pollutants [CONTAMINANTS]:

....

18 AAC 50.015(c)(2) is amended to read:

(2) classified as shown in Table 1 in this subsection for each air pollutant [CONTAMINANT] for which the area is designated "unclassifiable" or "attainment."

*am 2/20/2004, Register 169; am 6/24/2004, Register 170;*

(Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030

*2*  
~~The editor's note to 18 AAC 50.015 is changed to read:~~  
*Revised*

*Tab once* → Editor's note: The [COMPLETE DESCRIPTIONS OF THE] nonattainment area boundaries, the air quality control region boundaries, and the Class I area boundaries [ARE PROVIDED IN 40 C.F.R. PART 81, AS AMENDED THROUGH DECEMBER 19, 1996, AND] are depicted on maps in the state air quality control plan adopted by reference in 18 AAC 50.030. Air quality control region and nonattainment area boundaries are described in 40 C.F.R. 81, as revised as of July 1, 2003.

*Tab once* → As of Register 154, July 2000, the regulations attorney under AS 44.62.125(b)(6) made a change in Table 1 at 18 AAC 50.015(c)(2), to correct a typographical error.

18 AAC 50.020(a), (b), and (e) are amended <sup>to read and</sup> (c) and (d) are repealed:

*and a new subsection added to read*

18 AAC 50.020. Baseline dates and [,] maximum allowable increases[, AND MAXIMUM ALLOWABLE AMBIENT CONCENTRATIONS]. (a) In an area designated nonattainment in 18 AAC 50.015(b), the provisions of this section do not apply to the nonattainment air pollutant [CONTAMINANT]. However, this section does apply to all other air pollutants [CONTAMINANTS] listed in Table 2 in this subsection.

Table 2. Baseline Dates

Air Quality Control	Air <u>Pollutant</u>	Baseline Date
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Keep together with rest of column headings

Region	[CONTAMINANT]
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No further changes to this table.

*Publisher:* In the bottom right-hand cell of Table 2 (under the column "Baseline Date", in the row "Southeast...Region," sub-row "PM-10"), please change the cross-reference from "18 AAC 50.310(d)" to "18 AAC 50.306".

(b) To establish standards for the prevention of significant deterioration of air quality,

(1) baseline dates for determining the ambient concentration of certain air

pollutants [CONTAMINANTS] are established for each air quality control region listed in Table

2 in (a) of this section; ~~and~~

close one space

(2) in areas designated as Class I, II, or III, increases in <sup>air</sup> pollutant

concentration over the baseline concentration shall be limited to the concentrations

[MAXIMUM ALLOWABLE INCREASES FOR THE AMBIENT CONCENTRATION OF

CERTAIN AIR CONTAMINANTS ARE ESTABLISHED] in Table 3 in this subsection;

(3) for any period other than an annual period, the applicable maximum

allowable increase may be exceeded during one such period per year at any one location;

and

(4) the baseline concentrations and maximum allowable increases shall be

measured or predicted by a method described in 18 AAC 50.215.

*This period is not bold or underlined*

Table 3. Maximum Allowable Increases ~~Also Referred to as "Increments"~~

Classification of area in 18 AAC 50.015(c)  Table 1	Air <u>Pollutant</u> [CONTAMINANT]	Maximum allowable increase (micrograms per cubic meter)
--	------------------------------------	---

*Att'n: Publisher:*  
No further changes to this table

(c) Repealed \_\_/\_\_/\_\_.

(d) Repealed \_\_/\_\_/\_\_.

(e) For purposes of this section, the baseline concentration of <sup>an air</sup> pollutant

<sup>A</sup> [CONTAMINANT] is determined as follows:

(1) for PM-10 and sulfur dioxide, the baseline concentration is the ambient <sup>con-</sup> con- <sup>air</sup> air concentration of the pollutant [CONTAMINANT] on the applicable baseline date, plus the contribution from allowable emissions of a PSD major stationary source [FACILITY CLASSIFIED IN 18 AAC 50.300(c)] for which construction commenced before January 6, 1975, but that was not in operation by the baseline date; however, the baseline concentration does not include actual emissions from a PSD major stationary source <sup>or</sup> ~~or PSD major modification, or~~ a PSD major modification [FACILITY DESCRIBED IN 18 AAC 50.300(c)] <sup>OR A</sup> ~~MODIFICATION DESCRIBED IN~~ 18 AAC 50.300(h)(4)] for which construction commenced on or after January 6, 1975; and

(2) for nitrogen dioxide, the baseline concentration is the ambient <sup>air</sup> air concentration of the pollutant [CONTAMINANT] on the applicable baseline date, plus the contribution from allowable emissions of a PSD major stationary source [FACILITY CLASSIFIED IN 18 AAC 50.300(c)] for which construction commenced before February 8, 1988, but that was not in operation by the baseline date. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am

\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

<sup>7</sup>(f) In this section, "commence" has the meaning given in 40 C.F.R. 52.21(b), adopted by reference in 18 AAC 50.040.

Authority: AS 46.03.020

AS 46.14.010

AS 46.14.030

(8) - <sup>are</sup> are <sup>a new paragraph</sup> 18 AAC 50.030(9) <sup>is</sup> amended and (10) is added to read:

(8) Source Test Report Outline, <sup>etc</sup> as amended through November 1984; [AND]

(9) the department's *Performance Audits for COMS*, dated January 26, 2004

<sup>DATED</sup> [APRIL 1, 2002]; ~~and~~

<sup>revised</sup> revised <sup>as of</sup> as of

Register \_\_\_\_\_, 2004 ENVIRONMENTAL CONSERVATION

August 30, 2004.

(10) the department's *Minor Permit Application Forms*, dated ~~May 28, 2004.~~

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 9/4/98, Register 147; am 1/1/2000,

Register 152; am 12/30/2000, Register 156; am 9/21/2001, Register 159; am 1/27/2002, Register 160; am 3/2/2002, Register 161; am 5/3/2002, Register 162; am 2/20/2004, Register 169; am 6/24/2004, Register 170; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

AS 46.14.020 AS 46.14.140

18 AAC 50.035(a)(1) and the lead-in to (b) are amended to read:

(1) the department's *In Situ Burning Guidelines for Alaska*, revised March 2001

[MAY 1994];

....

(b) The following procedures and methods set out in 40 C.F.R., revised as of July 1,

2003 [JULY 1, 1999], are adopted by reference:

....

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 7/2/2000, Register 154; am 2/2/2002,

Register 161; am 5/3/2002, Register 162; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.140

AS 46.14.010 AS 46.14.030 Sec. 30, ch. 74, SLA 1993

The lead-in of

18 AAC 50.040(a) is amended to read:

18 AAC 50.040. Federal standards adopted by reference. (a) The following provisions of 40 C.F.R. Part 60 (Standards of Performance for New Stationary Sources), as revised as of July 1, 2003 [JULY 1, 2001], are adopted by reference as they apply to a Title V source:

18 AAC 50.040(a)(2) is amended by adding a new subparagraph, and (3)-(4) are amended to read:

~~(KK) [(3)] FOR SOURCES AT A FACILITY REQUIRED TO HAVE AN~~  
*No bold or underlining*  
OPERATING PERMIT UNDER AS 46.14.130(B)(1)-(3), the provisions of Subpart

AAA (Standards of Performance for New Residential Wood Heaters), except that the operator of a wood stove may demonstrate compliance with 40 C.F.R. 60.532 by

*Publisher:*  
*In 18 AAC*  
*50.040(a)(2)(ii),*  
*change the*  
*period to*  
*a semicolon.*

operating the wood stove in accordance with the permanent label required by 40 C.F.R.

60.536; and

~~(3) [(4)]~~ the provisions of Appendices A - F.

(3) [FOR SOURCES AT A FACILITY REQUIRED TO HAVE AN OPERATING PERMIT UNDER AS 46.14.130(b)(1) - (3), THE PROVISIONS OF SUBPART AAA (STANDARDS OF PERFORMANCE FOR NEW RESIDENTIAL WOOD HEATERS), EXCEPT THAT THE OPERATOR OF A WOOD STOVE MAY DEMONSTRATE COMPLIANCE WITH 40 C.F.R. 60.532 BY OPERATING A WOOD STOVE IN ACCORDANCE WITH THE PERMANENT LABEL REQUIRED BY 40 C.F.R. 60.536; AND (4)]

The lead-in of

18 AAC 50.040(b) is amended to read:

(b) The following provisions of 40 C.F.R. Part 61 (National Emission Standards for Hazardous Air Pollutants), as amended through July 1, 2003 [JULY 1, 2001], are adopted by reference as they apply to a Title V source:

18 AAC 50.040(b)(2) is amended by adding a new subparagraph, and (3)-(5) are amended to read:

~~(F) [(3)] FOR SOURCES AT A FACILITY REQUIRED TO HAVE AN~~  
*No bold or underlining*  
OPERATING PERMIT UNDER AS 46.14.130(B)(1)-(3), BUT NOT SOURCES

EXEMPTED FROM THAT REQUIREMENT BY 18 AAC 50.330, the Standard for

Demolition and Renovation under 40 C.F.R. 61.145 and, as they apply to activities

subject to 40 C.F.R. 61.145, 40 C.F.R. 61.141, 40 C.F.R. 61.149(d)(1), 40 C.F.R. 61.150,

40 C.F.R. 61.152, and Appendix A to Subpart M (Interpretive Rule Governing Roof

Removal Operations);

~~(3) [(4)]~~ 40 C.F.R. 61.154; and

(AND)  
(4) [(5)] Appendices A, B, and C.

(3) [FOR SOURCES AT A FACILITY REQUIRED TO HAVE AN OPERATING PERMIT UNDER AS 46.14.130(b)(1)-(3), BUT NOT SOURCES EXEMPTED FROM THAT REQUIREMENT BY 18 AAC 50.330, THE STANDARD FOR DEMOLITION AND RENOVATION UNDER 40 C.F.R. 61.145 AND, AS THEY APPLY TO ACTIVITIES SUBJECT TO 40 C.F.R. 61.145, 40 C.F.R. 61.141, 40 C.F.R. 61.149(d)(1), 40 C.F.R. 61.150, 40 C.F.R. 61.152, AND APPENDIX A TO SUBPART M (INTERPRETIVE RULE GOVERNING ROOF REMOVAL OPERATIONS); (4)]

18 AAC 50.040(c) is amended to read:

(c) The following provisions of 40 C.F.R. Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories), as revised as of February 3, 2004 ~~July 1, 2003~~ [APRIL 5, 2002], are adopted by reference as they apply to a Title V source:

(1) [SECTIONS OF] Subpart A (General Provisions), except 40 C.F.R.

63.5(e)(2) - (f), AS FOLLOWS:

(A) 40 C.F.R. 63.1 - 40 C.F.R. 63.4;

(B) 40 C.F.R. 63.5, EXCEPT THAT 40 C.F.R. 63.5 ~~(b)~~<sub>le</sub> (3), ~~(d)~~<sub>le</sub>, AND ~~(f)~~<sub>le</sub>

DO NOT APPLY EXCEPT AS DESCRIBED IN (C) OF THIS PARAGRAPH;

(C) 40 C.F.R. 63.5 ~~(b)~~<sub>le</sub> (3), ~~(d)~~<sub>le</sub>, AND ~~(f)~~<sub>le</sub> AS THEY APPLY TO A HAZARDOUS AIR CONTAMINANT MAJOR FACILITY THROUGH A PERMIT CONDITION UNDER 18 AAC 50.345 ~~(b)~~<sub>le</sub>;

(D) 40 C.F.R. 63.6, WITH THE CLARIFICATION THAT THE FEDERAL REGISTER NOTICE OR PROMULGATION REQUIRED UNDER 40 C.F.R. 63.6 ~~(b)~~<sub>le</sub> OR ~~(f)~~<sub>le</sub> (9) ~~(iii)~~<sub>le</sub> WILL BE SATISFIED BY THE ADOPTION OF AN APPROPRIATE REGULATION UNDER STATE LAW; AND

(E) 40 C.F.R. 63.7 - 40 C.F.R. 63.11];

(2) Subpart B (Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)), except that

(A) 40 C.F.R. 63.50 and 40 C.F.R. 63.54 are not adopted; and

(B) the requirements of 40 C.F.R. 63.51 - 40 C.F.R. 63.53, 40 C.F.R. 63.55, and 40 C.F.R. 63.56 apply to the owner or operator of a hazardous air pollutant [CONTAMINANT] major source [FACILITY] that includes one or more sources from a category or subcategory established under 42 U.S.C. 7412(c)(1) (Clean Air Act, sec.

112(c)(1)) for which the EPA administrator has failed to promulgate an emission standard within 18 months after the deadline established for doing so in 42 U.S.C. 7412(e) (Clean Air Act, sec. 112(e));

[(C) THE REQUIREMENTS OF 40 C.F.R. 63.43<sup>(F)</sup>~~(H)~~ APPLY TO  
<sub>le le</sub>  
THE OWNER OR OPERATOR OF A FACILITY THAT CONTAINS A SOURCE

<sup>(I)</sup>~~(J)~~ THAT IS A MAJOR SOURCE, AS DEFINED IN 42 U.S.C.  
<sub>le</sub>  
7412<sup>(A)</sup>~~(B)~~ (CLEAN AIR ACT, SEC. 112<sup>(A)</sup>~~(B)~~);  
<sub>le</sub>

<sup>(I)</sup>~~(II)~~ FOR WHICH RECONSTRUCTION IS PROPOSED; AND  
<sub>le</sub>

<sup>(II)</sup>~~(III)~~ FOR WHICH A CONSTRUCTION PERMIT IS NOT  
<sub>le</sub>  
REQUIRED UNDER THIS CHAPTER; AND

(D) IN 40 C.F.R. 63.40 - 40 C.F.R. 63.44, "EFFECTIVE DATE OF  
SECTION 112<sup>(G)</sup>~~(C)~~(2)(B)" MEANS JUNE 29, 1998;]  
<sub>le</sub>

(3) Subpart D (Regulations Governing Compliance Extensions for Early  
Reductions of Hazardous Air Pollutants);

(4) Subpart M (National Perchloroethylene Air Emission Standards for Dry  
Cleaning Facilities);

(5) Subpart N (Chromium Electroplating and Anodizing);

(6) Subpart Q (Industrial Process Cooling Towers);

(7) Subpart R (Gasoline Distribution Facilities; Bulk Gasoline Terminals and  
<sub>#</sub> <sub>#</sub>  
Pipeline Breakout Stations);

(8) Subpart T (Halogenated Solvent Cleaning);

(9) Subpart Y (Marine Tank Vessel Loading Operations);

(10) Subpart CC (Petroleum Refineries);

(11) Subpart DD (Off-Site Waste and Recovery Operations);

- (12) Subpart GG<sup>Y</sup> (Aerospace Manufacturing and Rework Facilities);
- (13) Subpart HH (Oil and Natural Gas Production Facilities);
- (14) Subpart II (Shipbuilding and Ship Repair);
- (15) Subpart JJ (Wood Furniture Manufacturing);
- (16) Subpart KK (Printing and Publishing Industry);
- (17) Subpart HHH (Natural Gas Transmission and Storage Facilities);
- (18) Subpart LLL (Portland Cement Plants); ~~Appendix A (Test Methods);~~<sup>Y</sup>
- (19) Subpart UUU (National Emission Standards for Hazardous Air

Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units,  
and Sulfur Recovery Units;<sup>2</sup>

(20) Subpart AAAA (National Emission Standards for Hazardous Air

~~Pollutants;~~ Municipal Solid Waste Landfills);

(21) Subpart EEEE (National Emission Standards for Hazardous Air

~~Pollutants;~~ Organic Liquids Distribution (Non-Gasoline));

(22) Subpart GGGGG (National Emission Standards for Hazardous Air

~~Pollutants;~~ Site Remediation);

(23) Subpart PTTTT (National Emission Standards for Hazardous Air

~~Pollutants;~~ Engine Test Cells/Stands);

(24) Appendix A (Test Methods);

(25) [(20)] Appendix B (Sources Defined for Early Reduction Provisions).

#> 18 AAC 50.040(d) – (g) are amended to read:

(d) The provisions of 40 C.F.R. Part 82, revised as of July 1, 2003 [JULY 1, 2001], are adopted by reference to the extent that they apply to a Title V source [SOURCES AT A FACILITY REQUIRED TO HAVE AN OPERATING PERMIT UNDER AS 46.14.130<sup>(b)</sup> OR

THIS CHAPTER].

(e) The requirements of 40 C.F.R. 52.70 - 40 C.F.R. 52.96, as revised as of July 1, 2003 and for purposes of a Title V permit [JULY 1, 2001], as they apply to a Title V source [SOURCES AT A FACILITY CLASSIFIED UNDER 18 AAC 50.325(b)(1) OR (b)(2)], are adopted by reference.

(f) The provisions of 40 C.F.R. Part 51, Appendix W<sub>2</sub> (Guideline on Air Quality Models (Revised)), revised as of July 1, 2003 [JULY 1, 2001], are adopted by reference.

(g) The following provisions of 40 C.F.R. Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants), revised as of October 3, 2003 [JULY 1, 2001], are adopted by reference:

(1) Subpart FFF (Federal Plan Requirements for Large Municipal Waste Combustors Constructed on or Before September 20, 1994);

(2) Subpart GGG (Federal Plan Requirements for Municipal Solid Waste Landfills That Commenced Construction Prior to May 30, 1991, and Have Not Been Modified or Reconstructed Since May 30, 1991);

(3) Subpart HHH (Federal Plan Requirements for Hospital/Medical/Infectious Waste Incinerators Constructed on or Before June 20, 1996);

(4) Subpart III (Federal Plan Requirements for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999);

(5) Subpart JJJ (Federal Plan Requirements for Small Municipal Waste Combustion Units Constructed on or Before August 30, 1999).

18 AAC 50.040 is amended to add 1 new subsections to read:

(h) The provisions of following 40 C.F.R. 51.166 and 40 C.F.R. 52.21 (Prevention of Significant Deterioration Federal PSD permit regulations listed in (1) (19) of this section of Air Quality), as revised as of July 1, 2003.

are adopted by reference ~~as revised as of December 31, 2003. The amendments to 40 C.F.R. 52.21 which are in 68 Fed. Reg. 61247 (October 27, 2003), become effective on the effective date of this section or on the date they become effective under federal law, whichever is later.~~

The adopted federal regulations are:

*max* → (2)(1) 40 C.F.R. 51.166(q)(2) (Public Participation);

(1)(2) 40 C.F.R. 52.166(f) (Exclusions from Increment Consumption);

as follows:

(3) 40 C.F.R. 52.21(a)(2) Applicability Procedures;

¶(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given

(4) 40 C.F.R. 52.21(b) (Definitions), except 40 C.F.R. 52.21(b)(1) ("major

stationary source")

(b)(2) ("major modification"), (b)(6) ("building, structure, facility or

Installation"), and (b)(5) ("reviewing authority") are not adopted;

¶(B) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

¶(i) 40 C.F.R. 52.21(b)(4) ("potential to emit");

¶(ii) 40 C.F.R. 52.21(b)(5) ("stationary source");

¶(iii) 40 C.F.R. 52.21(b)(6) ("building, structure, facility, or installation");

¶(iv) 40 C.F.R. 52.21(b)(7) ("emissions unit");

¶(v) 40 C.F.R. 52.21(b)(8) ("construction");

¶(vi) 40 C.F.R. 52.21(b)(20) ("fugitive emissions");

¶(C) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in 18 AAC 50.990:

¶(i) 40 C.F.R. 52.21(b)(50) ("regulated NSR pollutant");

¶(ii) 40 C.F.R. 52.21(b)(51) ("reviewing authority");

(5) 40 C.F.R. 52.21(d) (Ambient Air Ceilings)

(6) 40 C.F.R. 52.21(h) (Stack Heights);

(7) 40 C.F.R. 52.21(i) (Source Applicability and Exemptions);

(8) 40 C.F.R. 52.21(j) (Control Technology Review);

(9) 40 C.F.R. 52.21(k) (Source Impact Analysis);

(10) 40 C.F.R. 52.21(l) (Air Quality Models);

*italicize the "l"*

(11) 40 C.F.R. 52.21(m) (Air Quality Analysis);

(12) 40 C.F.R. 52.21(n) (Source Information);

(13) 40 C.F.R. 52.21(o) (Additional Impact Analysis);

(14) 40 C.F.R. 52.21(p) (Sources Impacting Federal Class I Areas);

(15) 40 C.F.R. 52.21(r) (Source Obligation);

(16) 40 C.F.R. 52.21(v) (Innovative Control Technology);

for Emissions Units That Are Subject to BACT or LAER

(17) 40 C.F.R. 52.21(x) (Clean Unit Test);

for Emissions Units That Achieve an

(18) 40 C.F.R. 52.21(y) (Clean Unit Provisions & Emission Limitation

Comparable To BACT);

(19) 40 C.F.R. 52.21(z) ~~(Pollution Control Projects);~~  
(PCP Exclusion Procedural Requirements);

(20) 40 C.F.R. 52.21(aa) (Actuals PALs) ~~§~~  
Publisher: Print as presented; not a typo <sup>↑</sup> ~~⓪~~

~~(21) 40 C.F.R. 52.21(cc) (Routine Maintenance Replacement and Repair).~~

From

(i) ~~The following provisions of federal permit regulations are adopted by reference as revised as of December 31, 2003.~~ <sup>July 1,</sup> ~~Any statements in the regulations that refer to what a plan~~  
~~shall or may contain will be interpreted to mean that the subsequent material is adopted by~~

~~reference by this section. 40 C.F.R. 51.165(a)(1)(xliii) (xlv), (h), and the changes to~~  
~~(a)(1)(v)(e)(1) which are in the October 27, 2003 Federal Register, become effective on the~~  
~~effective date of this section or on the date they become effective under federal law, whichever is~~  
~~later; the adopted federal regulations are:~~

(1) 40 C.F.R. 51.165(a)(1) (Definitions) ~~§~~  
~~#~~

(2) 40 C.F.R. 51.165(a)(2)(ii) (Major Modifications);

(3) 40 C.F.R. 51.165(a)(3) (Offset Credits);

(4) 40 C.F.R. 51.165(a)(4) (Fugitive Emissions);

(5) 40 C.F.R. 51.165(a)(5) (Source Obligations);

(6) 40 C.F.R. 51.165(a)(6) (Projected Actual Emissions);

~~for Emissions Units That Are Subject to LAER~~  
(7) 40 C.F.R. 51.165(c) (Clean Unit Test);

~~for Emissions Units That Achieve an~~  
(8) 40 C.F.R. 51.165(d) (Clean Unit Provisions ~~7~~ Emission Limitation

Comparable to LAER);

(9) 40 C.F.R. 51.165(e) ~~(Pollution Control Project);~~  
(PCP Exclusion Procedural Requirements);

(10) 40 C.F.R. 51.165(f) (Actuals PALs) ~~§~~  
~~⓪~~

~~(11) 40 C.F.R. 51.165(h) (Routine Maintenance Replacement and Repair).~~

(j) ~~The provisions of the following federal Title V permit regulations are adopted by~~  
~~following~~ 40 C.F.R. Part 71 (Operating Permits), as revised as of July 1, 2003,

C, except as follows:

¶(A) the following provisions are not adopted, and the terms defined in those provisions have the meanings given in AS 46.14.990:

¶(i) 40 C.F.R. 51.165(a)(1)(X); ("stationary source");

¶(ii) 40 C.F.R. 51.165(a)(1)(ii) ("building, structure, facility, or installation");

¶(iii) 40 C.F.R. 51.165(a)(1)(iii) ("potential to emit");

¶(iv) 40 C.F.R. 51.165(a)(1)(vii) ("emissions unit");

¶(v) 40 C.F.R. 51.165(a)(1)(ix) ("fugitive emissions");

¶(vi) 40 C.F.R. 51.165(a)(1)(xviii) ("construction");

¶(B) the following provisions are not adopted, and the terms defined in those provisions have the meaning given in 18 AAC 50.990:

¶(i) 40 C.F.R. 51.165(a)(1)(xxvii) ("regulated NSR pollutant");

¶(ii) 40 C.F.R. 51.165(a)(1)(xxviii) ("reviewing authority");

Publisher: Print as presented; not a typo

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reference as revised as of July 1, 2003: C, except as provided in 18 AAC 50.326:

(1) 40 C.F.R. 71.2 (Definitions);

(2) 40 C.F.R. 71.3 (Sources Subject to Permitting Requirements);

(3) 40 C.F.R. 71.5(a) - (c) (Permit Applications);

*use normal  
dashes, not  
"em" dashes*

(4) 40 C.F.R. 71.6(a) - (f) (Permit Content);

(5) 40 C.F.R. 71.7(a) - (e) (Permit Issuance, Renewal, Reopenings and

Revisions);

(6) 40 C.F.R. 71.8 (Affected State Review);

(7) 40 C.F.R. 71.10(d) (Delegation);

(8) 40 C.F.R. 71.11 (a) <sup>*use normal dashes, not "em" dashes*</sup> (h) and (j) <sup>↓</sup> (k) (Administrative Record, Public

Participation, and Administrative Review). (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 7/2/2000, Register 154; ~~am 6/01/2002, Register 162~~; am 6/1/2002, Register 162; am 8/15/2002, Register 163; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030

AS 46.14.010

The editor's note to 18 AAC 50.040 is changed to read:

*Salv  
once* → **Editor's note:** The federal standards adopted by reference in 18 AAC 50.040 may be reviewed at the department's Anchorage, Fairbanks, or Juneau office.

*Salv  
once* → **The owner or operator of an affected facility subject to a federal emission standard that is not at a stationary source subject to a Title V permit should contact the United States Environmental Protection Agency.** [FOR EMISSIONS STANDARDS UNDER 40 C.F.R. 63, SUBPART N, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (EPA) HAS NOT DELEGATED ITS AUTHORITY FOR CHROMIUM ELECTROPLATERS OR

ANODIZERS AT A FACILITY THAT DOES NOT REQUIRE A STATE OPERATING PERMIT UNDER 18 AAC 50.325 - 18 AAC 50.380. AN OWNER OR OPERATOR OF A CHROMIUM ELECTROPLATER OR ANODIZER DESCRIBED IN THIS NOTE SHOULD CONTACT EPA.

EPA HAS NOT DELEGATED ITS AUTHORITY FOR PRECONSTRUCTION REVIEW REQUIREMENTS UNDER 40 C.F.R. 63.5(b)(3), (d), AND (e). A HAZARDOUS AIR CONTAMINANT SOURCE THAT REQUIRES A CONSTRUCTION PERMIT UNDER 18 AAC 50.300 MAY ALSO BE SUBJECT TO PRECONSTRUCTION REVIEW BY EPA UNDER 40 C.F.R. 63.5.

EPA HAS NOT DELEGATED ITS AUTHORITY FOR APPROVING ALTERNATE EMISSION STANDARDS UNDER 40 C.F.R. 63.6(g). APPROVALS FOR ALTERNATE EMISSION LIMITS MUST BE APPROVED BY THE DEPARTMENT AND BY EPA UNDER 40 C.F.R. 63.6(~~g~~).]

18 AAC 50.045(b), (c), (f), and (g) are amended to read:

(b) A person who owns or operates a stationary source [FACILITY] that emits an air pollutant [CONTAMINANT] subject to this chapter shall ensure that the stationary source [FACILITY] complies with this chapter and any other applicable local, state, or federal law.

(c) A person may not construct, operate, or modify a stationary source that will result in a violation of the applicable emission standards or that will interfere with the attainment or maintenance of ambient air quality standards [OR MAXIMUM ALLOWABLE AMBIENT CONCENTRATIONS].

....

(f) Subject to (g) of this section, as used in this section, "dispersion technique" means a

technique that attempts to reduce the concentration of an air pollutant [CONTAMINANT] in the ambient air by

(1) using that portion of a stack that exceeds good engineering practice stack height;

(2) varying the emissions rate of an air pollutant [CONTAMINANT] according to atmospheric conditions or ambient concentrations of that air pollutant [CONTAMINANT]; or

(3) increasing exhaust gas plume rise by

(A) manipulating a source process parameter, exhaust gas parameter, or stack parameter;

(B) combining exhaust gases from several existing stacks into one stack;

or

(C) other selective handling of exhaust gas streams.

(g) The following are not dispersion techniques for purposes of this section:

(1) reheating a gas stream to its original discharge temperature after use of an emission control system;

(2) combining the exhaust gases from several stacks into one stack if the stationary source [FACILITY] was originally designed and constructed with combined exhaust streams;

(3) combining the exhaust gases from several stacks into one stack, if done when an emission control system is installed and results in a net reduction in the allowable emissions of the controlled air pollutant [CONTAMINANT]; or

(4) any technique that increases the exhaust gas plume rise if the allowable emissions of sulfur dioxide from the stationary source [FACILITY] are less than 5,000 tons per year. (Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.020 AS 46.14.030  
AS 46.14.010

18 AAC 50.052 is repealed:

**18 AAC 50.052. Emission standards for certain municipal solid waste landfills.**

Repealed. (Eff. 6/21/98, Register 146; repealed \_\_/\_\_/\_\_, Register \_\_)

#>

18 AAC 50.055(a)(5) and (6) are amended to read:

(5) 20 percent or greater averaged over any six consecutive minutes for process emissions, other than from a pneumatic cleaner, at a coal preparation plant [FACILITY] constructed or modified after November 1, 1982;

(6) 10 percent or greater averaged over any six consecutive minutes for a pneumatic cleaner constructed or modified at a coal preparation plant [FACILITY] after November 1, 1982;

18 AAC 50.055(d)(2)(B) is amended to read:

(B) 10 ppm hydrogen sulfide and a total of 300 ppm reduced sulfur compounds, expressed as sulfur dioxide, at zero percent oxygen on a dry basis, if the air pollutants [CONTAMINANTS] are not oxidized before release to the atmosphere; and

#>

18 AAC 50.055(e) <sup>is</sup> and (g) ~~are~~ amended to read:

The lead-in of

(e) At a coal preparation plant [FACILITY], emissions from the following sources, if constructed or modified after November 1, 1982, may not exceed the following:

....  
18 AAC 50.055(g) is amended to read:

(g) Release of materials other than process emissions, products of combustion, or materi<sup>Cals</sup>als introduced to control pollutant emissions from a stack at a stationary source constructed or

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modified after November 1, 1982, is prohibited, except as authorized by a construction

permit, Title V permit, or air quality control permit issued before {the effective date of

regulations} [UNLESS APPROVED IN WRITING BY THE DEPARTMENT. THE

DEPARTMENT WILL APPROVE A RELEASE DESCRIBED IN THIS SUBSECTION ONLY

IF

(1) THE PERSON PROPOSING THE RELEASE SUPPLIES THE  
INFORMATION LISTED IN 18 AAC 50.310(m); AND

(2) THE DEPARTMENT FINDS THAT THE PROPOSED RELEASE WILL  
MEET THE CRITERIA IN 18 AAC 50.315(e)(9)]. (Eff. 1/18/97, Register 141; am 6/21/98,  
Register 146; am 11/4/99, Register 152; am 5/3/2002, Register 162; am \_\_/\_\_/\_\_, Register  
\_\_)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993

AS 46.14.010 AS 46.14.030

The lead-in to 18 AAC 50.090(a) is amended to read:

**18 AAC 50.090. Volatile liquid loading racks and delivery tank emission standards.**

(a) The owner, operator, or permittee of a stationary source [FACILITY] that is located in the  
Port of Anchorage and that has a volatile liquid loading rack with a design throughput of 15  
million gallons (357,143 barrels) or more per year shall reduce organic vapors emitted to the  
atmosphere by

....

(Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993

AS 46.14.010 AS 46.14.030

18 AAC 50.100 is amended to read:

**18 AAC 50.100. Nonroad engines.** The actual and potential emissions of nonroad engines are not included when determining the classification of a stationary source [FACILITY] or modification under AS 46.14.130<sup>#</sup>, 18 AAC 50.300, OR 18 AAC 50.325]. Nothing in this <sup>section</sup> [subsection] exempts nonroad engines from compliance with other applicable air pollution control requirements. (Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.010 AS 46.14.030  
AS 46.14.020

18 AAC 50.200 is amended to read:

**18 AAC 50.200. Information requests.** If requested by the department to determine compliance with AS 46.03, AS 46.14, and this chapter, the owner, operator, or permittee of a stationary source shall maintain records of, and report to the department information on, the nature and amount of emissions from the stationary source and other information designated by the department. (Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.030 Sec. 30, ch. 74, SLA 1993  
AS 46.14.020

18 AAC 50.201(a), (b), and (d) are amended to read:

**18 AAC 50.201 Ambient air quality investigation.** (a) Upon a finding by the department that emissions from an existing stationary source [FACILITY] have a reasonable likelihood of causing or significantly contributing to ambient concentrations of one or more air pollutants [CONTAMINANTS] that exceed an ambient air quality standard, maximum

allowable increase [AMBIENT CONCENTRATION], or the limitations of 18 AAC 50.110, the department may [WILL, IN ITS DISCRETION]<sup>y</sup> require the owner, operator, or permittee to evaluate the effect of the stationary source's [FACILITY'S]<sup>A</sup> emissions of those air pollutants [CONTAMINANTS] on ambient air or on the limitations of 18 AAC 50.110 that are at issue.

An evaluation submitted under 18 AAC 50.306 [18 AAC 50.310], 18 AAC 50.540, this section, or prior equivalent regulations, and deemed complete by the department, must satisfy the evaluation requirements of this section, and any prior analysis must accurately represent the stationary source's [FACILITY'S] emissions.

(b) Based on an evaluation submitted under (a) of this section or other information in the department's possession and subject to AS 46.14.010(e), the department may [WILL, IN ITS DISCRETION,] require an existing stationary source [FACILITY] to reduce emissions or implement another control strategy to reduce the ambient impact of those emissions as necessary to ensure that the concentration of air pollutants [CONTAMINANTS] in the ambient air does not exceed the ambient air quality standards, maximum allowable increases [AMBIENT CONCENTRATIONS], or the limitations of 18 AAC 50.110. A reduction or control strategy may be imposed as a source-specific [FACILITY-SPECIFIC] permit condition or as a regulation. Before imposing a reduction or control strategy, the department will consult with the affected owner, operator, or permittee and provide the affected public an opportunity for comment and hearing. To the extent practicable, given the costs of determining an equitable allocation, any emission reduction or control strategy imposed under this section will be equitably allocated among stationary, mobile, and area sources and source categories based upon their relative contribution to the ambient impacts of concern, the cost of additional controls, and other equitable factors.

....

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(d) The provisions of this section do not apply if the area affected by the emissions of an air pollutant [CONTAMINANT] is designated nonattainment for that air pollutant [CONTAMINANT] under 18 AAC 50.015.

(Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020

AS 46.14.030

Sec. 30, ch. 74, SLA 1993

AS 46.14.020

AS 46.14.120

¶(b) The department may accept an electronic signature on an electronic application or other electronic record required by the department under a permit program established under AS 46.14 or this chapter if

18 AAC 50.205 is amended to read:

C, and a new subsection added

(a)

18 AAC 50.205. **Certification.** Any permit application, report, or compliance

certification required by the department under a permit program established under AS 46.14 or

this chapter must include the signature of a responsible official for the permitted stationary

source [FACILITY] following the statement: "Based on information and belief formed after

reasonable inquiry, I certify that the statements and information in and attached to this document

are true, accurate, and complete." [When certifying a permit application or compliance

certification, the official's signature must be notarized.] (Eff. 1/18/97, Register 141; am

\_\_/\_\_/\_\_, Register \_\_)

Authority: AS 09.25.510  
AS 46.03.020

AS 46.14.020

AS 46.14.030

AS 46.14.140

Sec. 30, ch. 74, SLA 1993

¶(1) a certifying authority registered under AS 09.25.510 verifies that the electronic signature is authentic; and  
¶(2) the person providing the electronic signature has made an agreement, with the certifying authority described in (1) of this subsection, that the person accepts or agrees to be bound by an electronic record executed or adopted with that signature.

18 AAC 50.210 is repealed:

18 AAC 50.210. **Potential to emit.** Repealed. (Eff. 1/18/97, Register 141; repealed

The lead-in of

18 AAC 50.215(b)(1) and (2) is amended to read:

~~(1) ensure that estimates of ambient concentrations and impairment to visibility~~  
are based on applicable air quality models, databases, and other requirements specified in the  
EPA's *Guideline on Air Quality Models (Revised)*, adopted by reference in 18 AAC 50.040(f)  
~~[18 AAC 50.030]; and~~

*Publisher:*  
Existing  
18 AAC  
50.215(b)(1)  
remains  
unchanged.

(2) for comparing predicted or measured ambient concentrations of a  
[IF THE] maximum allowable increase  
pollutant to a maximum allowable increase ~~[IF THE MAXIMUM ALLOWABLE]~~ AMBIENT  
CONCENTRATION OF AN AIR CONTAMINANT IS] established under 18 AAC  
50.020(f)(2), exclude

18 AAC 50.215(c)(3) is amended to read:

(3) obtaining approval from the federal administrator and the commissioner for  
the substitution or modification if an ambient air quality analysis is required by 18 AAC 50.306  
[18 AAC 50.310(d)].

18 AAC 50.215 is amended by adding a new subsection to read:

(d) Table 5 establishes the significant impact level C, expressed as micrograms per cubic meter,  
for each pollutant and averaging  
time. If the ambient impacts from emissions from a stationary source or modification are less  
than these concentrations, in Table 5 then the emissions are not considered to cause or contribute to a  
violation of an ambient air quality standard or maximum allowable increase for a Class II area.

Table 5. Significant Impact Levels (SILs),  
Bold

		Averaging time (hours)			
		24	8	3	1
Pollutant					
Sulfur dioxide					
SO <sub>2</sub> .....	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	.....	25 µg/m <sup>3</sup>	.....

*Publisher:* This table was  
previously set out as "Table 6"  
in former 18 AAC 50.310. Please  
move that  
table  
here,  
change the  
heading  
as  
indicated,  
and make  
the edits  
indicated.

PM-10.....	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	.....	.....	.....
Nitrogen dioxide NO <sub>2</sub> .....	1.0 µg/m <sup>3</sup>	.....	.....	.....	.....
Carbon monoxide CO.....	.....	.....	500 µg/m <sup>3</sup>	.....	2000 µg/m <sup>3</sup>

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020

AS 46.14.140

Sec. 30, ch. 74, SLA 1993

AS 46.14.030

AS 46.14.180

an owner, operator, or permittee [OF A SOURCE] to conduct air pollutant [CONTAMINANT] emission tests to determine compliance with AS 46.14 and this chapter. If an applicable emission standard, permit provision, or other requirement specifies a time period within which testing must be completed, the owner, operator, or permittee shall conduct the testing within the specified period regardless of whether the department explicitly

18 AAC 50.225(a) and (b)(1) - (4), (6), and (7) are amended to read:

18 AAC 50.225. Owner-requested limits. (a) The owner or operator of an [ONE OR

MORE] existing or proposed stationary source [SOURCES] may request an enforceable limit

on the [AVOID A REQUIREMENT TO HAVE A PERMIT UNDER AS 46.14 OR THIS

CHAPTER IF THE DEPARTMENT APPROVES LIMITS ON A SOURCE'S] ability to emit air

pollutants [CONTAMINANTS AT THE REQUEST OF THE OWNER OR OPERATOR]. A

limitation approved under this section is an enforceable limitation for the purpose of determining

(1) stationary source specific [FACILITY-SPECIFIC] allowable emissions;

and

(2) a stationary source's [FACILITY'S] potential to emit.

(b) To request approval under this section of limits on the [A SOURCE'S] ability to emit, the owner or operator shall submit to the department

(1) a completed stationary source [FACILITY] identification form;

(2) a list of all emission units [SOURCES] at the stationary source

[FACILITY];

(3) a calculation of the stationary source's [FACILITY'S] actual emissions and

potential to emit air pollutants [CONTAMINANTS];

18 AAC 50.220(a) and (b) are amended to read:  
18 AAC 50.220. Enforceable test methods. (a) The department may [WILL, IN ITS DISCRETION,] require

calls for testing under this subsection.

¶(b) Unless otherwise specified by an applicable requirement or test method, an air pollutant [CONTAMINANT]

emission test must be performed

¶(1) at a point or points that characterize

the actual discharge into the ambient air; and

~ Publisher: Connect "source" and "specific" with a regular dash; do not use an "em" dash

¶(2) at the maximum rated burning or operating capacity of the emission unit [SOURCE] or

or another rate determined by the department to characterize the actual discharge into the ambient air.

18 AAC 50.220(d)(1) and (2) are amended to read:  
¶(1) the compliance status of the emission unit [SOURCE] and the margin of compliance with each applicable

requirement as demonstrated

by prior compliance tests or other reasonably accurate data or calculations;  
¶(2) the potential variability of emissions from the stationary source;


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(4) a description of the proposed limit, including for each air pollutant  
[CONTAMINANT] a calculation of the effect the limit will have on the stationary source's  
[FACILITY'S] potential to emit and the allowable emissions;

....

(6) citation to the requirement [FOR A PERMIT] that the person seeks to avoid,  
including an explanation of why the requirement would apply in the absence of the limit and how  
the limit allows the person to avoid the requirement [FOR A PERMIT];

(7) a statement that the owner or operator of the stationary source [FACILITY]  
will be able to comply with the limit;

 (8) a certification, bearing the [NOTARIZED] signature of the  
person requesting the limit, that states: "Based on information and  
belief formed after reasonable inquiry, I certify that the statements  
and information in this request are true, accurate, and complete"; and

18 AAC 50.225(d)(1)(A) and (B) and (2) are amended to read:

(1) the department will publish a notice in a newspaper of general circulation  
within the area where the stationary source [FACILITY] is or will be located; the department  
will publish this notice in two consecutive issues of the newspaper and in other media the  
department considers appropriate; the notice will include

(A) the name and address of the applicant and the location or proposed  
location of the stationary source [FACILITY];

(B) a summary describing the proposed limit, including reference to the  
[PERMITTING] requirement that the limit avoids;

....

(2) the department will make available for public review, in at least one location  
within the area affected by the stationary source [FACILITY], the materials submitted by the  
owner or operator and a copy of the proposed limit;

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20

and (4) are

18 AAC 50.225(f)(3) is amended to read:

(3) describes the requirement [PERMIT] that the limit allows the owner or

operator to avoid; and

# >

18 AAC 50.225(h) is amended to read:

9(4) contains the statement "I understand and agree to the terms and conditions of this approval" followed by a space for the owner's or operator's [NOTARIZED] signature.

(h) The owner or operator may request the department to revise the terms or conditions

of the approval issued under this section by submitting a new request under (b) of this section.

[UNTIL A REVISION IS APPROVED AND TAKES EFFECT UNDER (g) OF THIS

SECTION, THE ORIGINAL APPROVAL REMAINS EFFECTIVE.] The owner or operator

may request the department to revoke the approval in writing by explaining the reason for the

request and applying for each [the] permit [or permits] listed in the original approval under (f) of this

section as if the limit had never been approved. The limit remains in effect until the owner or

operator

(1) obtains a new limit that allows the owner or operator to continue to avoid

the requirements; or

(2) for a request to revoke the limit, obtains any permit that was avoided,

and complies with any other requirement that was avoided. (Eff. 1/18/97, Register 141; am

6/21/98, Register 146; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 44.46.025 AS 46.14.030 AS 46.14.120

AS 46.14.020 AS 46.03.020 AS 46.14.140

(g) A limit approved under this section becomes effective the day after the department receives a copy of the letter of approval bearing the owner's or operator's [NOTARIZED] signature in the space provided. On and after the date the limit becomes effective and until the limit is revised or revoked under (h) of this section, the owner or operator shall comply with all terms and conditions of the approval.

18 AAC 50.230(a) and (b) are amended to read:

18 AAC 50.230. Preapproved Emission limits. (a) This section sets out limits for

certain stationary sources that become effective the day after the department receives a request containing all the required information. Under these "preapproved" emission limits or PAELs, no additional department approval is required. [THE DEPARTMENT WILL NOTIFY A PERSON REQUESTING A LIMIT UNDER THIS SECTION, IN WRITING, OF THE DATE THE LIMIT TOOK EFFECT. ~~THE OWNER AND OPERATOR SHALL COMPLY WITH THE LIMIT WHILE IT IS IN EFFECT,~~] The owner and operator shall comply with the limit while that limit [IT] is in effect. The limit remains in effect until revoked in accordance with (e) of this section.

(b) The owner or operator of a stationary source [FACILITY] containing one or more emission units [SOURCES] described in (c) or (d) of this section may request that the preapproved limits in those subsections be applied to that stationary source [FACILITY]. To make the request, the owner or operator shall submit to the department the information required for the limit requested.

18 AAC 50.230(c)(1)(A), (B), (E), <sup>and</sup> <sup>the lead-in of</sup> (F), and (H) are amended to read:

(A) the name and address of the stationary source [FACILITY] to which the limits will apply;

(B) a list of all diesel engines at the stationary source [FACILITY] to which the limits will apply, including the model and rated capacity of each diesel engine;

....

(E) an estimate of the potential to emit nitrogen oxides, in tons per year, from all emission units [SOURCES] at the stationary source [FACILITY] that are not listed under (B) of this paragraph;

(F) a calculation of the stationary source's [FACILITY'S] total potential

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to emit nitrogen oxides, determined by adding the values derived under (D) and (E) of this paragraph;

....

(H) a certification bearing the owner's or operator's [notarized] signature or

electronic facsimile thereof stating that

....

If the limit in this subsection is applied, the department will consider

18 AAC 50.230(d) is amended to read:

(d) The owner or operator of a gasoline distribution facility may limit the [FACILITY'S] maximum daily throughput of gasoline for the stationary source to less than 19,900 gallons.

to be  
The stationary source would [AND,] thereby, become a bulk gasoline plant under the standards or by reference in 18 AAC 50.040(a)(2)(M) and (AA). The owner or operator shall

(1) submit to the department a letter or form containing

(A) the name and address of the stationary source [FACILITY] to which the limit will apply;

(B) a list of each tank [ALL TANKS] containing gasoline at the stationary source [FACILITY], including the working capacity of each tank;

(C) a list [SETTING OUT EACH] of the conditions required under (2) of this subsection; [AND]

(D) a certification bearing the [notarized] signature, or electronic facsimile thereof, of the owner or operator stating that

(i) "Based on information and belief formed after reasonable inquiry, I certify that the information in this request is true, accurate, and com plete"; and

(ii) the owner or operator fully understands the conditions required under (2) of this section and agrees to those conditions in order to be classified as a bulk gasoline plant; and

(E) a processing fee of \$100; and

(2) agree to

(A) limit the quantity of gasoline transferred from tanks at the stationary source [FACILITY] each day to less than 19,900 gallons;

(B) record the amount of gasoline transferred from tanks at the stationary source [FACILITY] each day;

(C) keep all receipts for fuel sales and all records under (B) of this paragraph available for department inspection for at least five years; and

(D) no later than January 31 of each year, submit to the department a copy of the records required by (B) of this paragraph for the preceding year.

18 AAC 50.230(e) is amended to read:

(e) The owner or operator may terminate a limit under this section by notifying the department, in writing, of the proposed date for termination of the limit. On and after the proposed date, the limit is no longer in effect unless the limit made it possible for the owner or operator to avoid any preconstruction review procedures or to avoid the requirement for an operating permit. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator obtains

(A) [(1)] obtains a new construction permit under this chapter as if the limit had never existed; or

under this section, 18 AAC 50.225, or 18 AAC 50.508, (B) [(2)] obtains a new limit under this section or under 18 AAC 50.508.

review; or

(2) did not make it possible to avoid preconstruction review, but <sup>made</sup> did make it possible to avoid a Title V permit or minor permit to operate, the limit remains in effect until the owner or operator <sup>obtains</sup>

(A) obtains a new Title V permit under this chapter as if the limit had never existed; or

C, a new limit (B) obtains a new limit under this section or under a permit classified in 18 AAC 50.508 that allows the owner or operator to continue to avoid the need for the permit. (Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am \_\_/\_\_/\_\_,

Register \_\_)

Authority:	AS 44.46.025	AS 46.14.030	AS 46.14.120
	AS 46.14.020	AS 46.03.020	AS 46.14.140

18 AAC 50.235(b)(1) and (2) are amended to read:

(1) an unavoidable emergency, malfunction, or nonroutine repair of an emission unit [A SOURCE] occurred, and the person can identify the cause;

(2) the stationary source [FACILITY] was being properly operated when the event described in (1) of this subsection occurred; and

2  
(Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.140	AS 46.14.560
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18 AAC 50.240(c) is amended to read:

(c) Excess emissions that present a potential threat to human health or safety or that the owner, operator, or permittee believes to be unavoidable must be reported to the department as soon as possible. Unless otherwise specified in the stationary source's [FACILITY'S] permit, other excess emissions must be reported within 30 days after the end of the month during which the emissions occurred or as part of the next routine emission monitoring report, whichever is sooner. If requested by the department, the owner, operator, or permittee shall submit a full written report that includes the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.



(Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.140 AS 46.14.560  
AS 46.14.030

18 AAC 50.245(a) is amended to read:

**18 AAC 50.245. Air episodes and advisories.** (a) The department may [WILL, IN ITS DISCRETION,] declare an air episode and prescribe and publicize curtailment action if the concentration of an air pollutant [CONTAMINANT] in the ambient air has reached, or is likely in the immediate future to reach, any of the concentrations established in Table 6 [5] in this subsection.

*Center*  
Table 6 [5] Concentrations Triggering an Air Episode *Centered on new line*

Episode Type	Air <u>Pollutant</u>	Concentration in
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	[CONTAMINANT]	micrograms per cubic meter {and in ppm where applicable}
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Att'n:

Publisher: No further changes to this table

18 AAC 50.245(c)(1) is amended to read:

(1) request voluntary emission curtailments from any person issued a permit under this chapter whose stationary source's [FACILITY'S] emissions might impact the area subject to the advisory; and

(Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.020 Sec. 30, ch. 74, SLA 1993  
AS 46.14.010 AS 46.14.030

The lead-in of

is

18 AAC 50.250(d)(4) and ~~(d)(5)~~ are amended to read:

(4) a detailed evaluation of new emissions and ambient air quality impacts expected to occur in the area to be reclassified and in adjacent areas as a result of a modification to a stationary source [FACILITY] in that area or from construction and operation of a new stationary source [FACILITY] in that area

18 AAC 50.250(d)(5) is amended to read:

(5) an evaluation of the effects on air quality in other geographic areas classified in 18 AAC 50.015(c) of any proposed new or modified stationary source [FACILITY] in the area to be reclassified; and

# >

18 AAC 50.250(e)(1) is amended to read:

(1) for any change,

(A) the federal administrator must have approved the change;

(B) the department must have conferred with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation;

(C) the department must have notified each affected federal land manager of the proposed change and provided at least 30 days to comment on the report described in (d) of this section;

(D) [(C)] the department must have published in a newspaper of general circulation in the state a summary of the comments and recommendations of any affected federal land manager received under (B) of this paragraph and an explanation of the reasons for implementing a change that is inconsistent with the recommendations of the federal land manager; and

(E) [(D)] the commissioner must have determined that

(i) the health, environmental, economic, social, and energy effects of the change are in the public interest; and

(ii) implementing the change will not cause or contribute to a violation of the ambient air quality standards or maximum allowable <sup>increase</sup> ambient concentrations];

18 AAC 50.250 is amended by adding a new subsection to read:  
#(f) In this section, "federal land manager" has the meaning given in 40 C.F.R. 51.166 (b)(24), as revised as of July 1, 2003 and adopted by reference.

(Eff. 1/18/97, Register 141; am \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 44.62.210 AS 44.62.230 AS 46.14.030  
AS 44.62.220 AS 46.03.020

Article 3. Major Stationary Source Permits [PERMIT PROCEDURES AND REQUIREMENTS]. *Center* → |

Section

300. (Repealed) [CONSTRUCTION PERMITS; CLASSIFICATIONS]

301. Permit continuity

302. Construction <sup>le</sup>Permits

305. (Repealed) [CONSTRUCTION PERMIT PROVISIONS REQUESTED BY OWNER OR OPERATOR]

306. Prevention of significant deterioration (PSD) permits

310. (Repealed) [CONSTRUCTION PERMITS; APPLICATION]

311. Nonattainment area major stationary source permits

315. (Repealed) [CONSTRUCTION PERMITS; REVIEW AND ISSUANCE]

316. Pre<sup>le</sup>construction review for construction or reconstruction of a major source of hazardous air pollutants

320. (Repealed) [CONSTRUCTION PERMITS; CONTENT AND DURATION]

321. Case-by-case maximum achievable control technology determinations

322. (Repealed) [CONSTRUCTION PERMITS; REOPENINGS]

325. (Repealed) [OPERATING PERMITS; CLASSIFICATIONS]

326. Title V operating permits

330. (Repealed) [OPERATING PERMITS; EXEMPTIONS]

335. (Repealed) [OPERATING PERMITS; APPLICATION]

340. (Repealed) [OPERATING PERMITS; REVIEW AND ISSUANCE]

341. (Repealed) [OPERATING PERMITS; REOPENINGS]

345. Construction and operating permits: standard permit conditions

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346. Construction and operating permits: other permit conditions

350. (Repealed) [OPERATING PERMITS: CONTENT]

355. (Repealed) [CHANGES TO A PERMITTED FACILITY]

360. (Repealed) [FACILITY CHANGES THAT VIOLATE A PERMIT CONDITION]

365. (Repealed) [FACILITY CHANGES THAT DO NOT VIOLATE A PERMIT CONDITION]

370. (Repealed) [ADMINISTRATIVE REVISIONS]

375. (Repealed) [MINOR AND SIGNIFICANT PERMIT REVISIONS]

380. (Repealed) [GENERAL OPERATING PERMITS]

385. (Repealed) [PERMIT-BY-RULE FOR CERTAIN SMALL STORAGE TANKS]

390. (Repealed) [PERMIT-BY-RULE FOR DRILLING RIGS AND ASSOCIATED EQUIPMENT]

18 AAC 50.300 is repealed:

**18 AAC 50.300. Construction permits: classifications.** Repealed. (Eff. 1/18/97,

Register 141; am 6/21/98, Register 146; am 2/2/2002, Register 161; am 5/3/2002, Register 162;

repealed \_\_/\_\_/\_\_, Register \_\_)

Publisher: Delete editor's note.

18 AAC 50 is amended by adding a new section to read:

this chapter

**18 AAC 50.301. Permit continuity.** (a) An air quality permit that is effective under 18-

~~18 AAC 50~~ as of {the effective date of the regulations} remains in effect until it

(1) expires, consistent with AS 46.14.230;

(2) is revoked by the department under AS 46.14.280; or

(3) is replaced by a permit issued under this chapter.

(b) For a permit under this chapter, if the applicant has submitted a complete application

before {the effective date of the regulations}, but the department has not yet issued the permit by

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§(1) request that  
that date, the applicant may specify in writing whether the department will process the application under the regulations in effect before or after {the effective date of the regulations}.

(Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.230
	AS 46.14.010	AS 46.14.130	AS 46.14.280
	AS 46.14.020	AS 46.14.140	

§; and  
§(2) department will process the application in accordance with the applicant's request.

The owner or operator must obtain one or more of the following

18 AAC 50 is amended by adding a new section to read:

(a)  
18 AAC 50.302. ~~Construction Permits.~~ An owner or operator must obtain a

construction permit before beginning actual construction of a new major stationary source, a major modification, a PAL major modification, or a new stationary source of modification

subject to the construction permitting requirements of 42 U.S.C. 7412(i) (Clean Air Act section

112(i)). There are three types of construction permits: §, as applicable §(1) a Prevention of Significant Deterioration

# under (PSD) permits, described in 18 AAC 50.306, §; §(2) a nonattainment area major stationary source permits,

under described in 18 AAC 50.311, §; §(3) a construction permit under and MACT Standard Compliance Permits, described in 18 AAC

§(b) If 50.316. A stationary source or modification may require permits under more than one section in

this chapter, in which case the owner or operator may file a single permit application, and the department will issue a single permit incorporating all applicable construction permitting

requirements. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.030	AS 46.14.140
	AS 46.14.010	AS 46.14.120	Sec. 30, ch. 74, SLA 1993
	AS 46.14.020		

for a major source of hazardous air pollutants

18 AAC 50.305 is repealed:

18 AAC 50.305. Construction permit provisions requested by the owner or operator. Repealed. (Eff. 1/18/97, Register 141; repealed \_\_/\_\_/\_\_, Register \_\_)

18 AAC 50 is amended by adding a new section to read:

prevention of  
significant  
deterioration

18 AAC 50.306. Prevention of significant deterioration (PSD) permits. (a) An owner or operator must obtain a <sup>a</sup>PSD permit under this section before beginning actual construction of a new major stationary source, a major modification, or <sup>a</sup>PAL major modification <sup>Ⓢ</sup>  
~~of an existing major stationary source.~~

(b) To satisfy the requirement of (a) of this section, the owner or operator must comply with the requirements of 40 C.F.R. 52.21, adopted by reference in 18 AAC 50.040 with the following changes:

(1) in 40 C.F.R. 52.21 the term "administrator" means

and (A) "federal administrator" in ~~the~~ 40 C.F.R. 52.21(b)(17), (b)(37), (b)(43), (l)(2), (p)(2), and <sup>in</sup> the second reference to "the Administrator" in 40 C.F.R. 52.21(y)(7);  
and

(B) "department" elsewhere;

<sup>each</sup> (2) ~~for every~~ reference in 40 C.F.R. 52.21 to the date "March 3, 2003" <sup>is revised to read</sup> substitute

"the date that the Clean Unit applicability test becomes effective as an element of the EPA-approved Alaska state implementation plan";

<sup>is revised to read</sup> <sup>2, the phrase</sup>

(3) in 40 C.F.R. 52.21(y)(3)(iii) ~~delete the words~~ "before December 31, 2004" <sup>is revised to read</sup> and substitute "within two years after the date that the Clean Unit applicability test becomes effective as an element of the EPA-approved Alaska state implementation plan"; ~~and~~

(4) exclusions from increment consumption ~~shall~~ <sup>shall</sup> apply to the maximum extent allowed under 40 C.F.R. 51.166(f), adopted by reference in 18 AAC 50.040.

(c) The department will issue each permit under this section following the procedures AS 46.14, and of and other requirements of 40 C.F.R. 52.166(f) and (q)(2), and 40 C.F.R. 52.21, as adopted by reference in 18 AAC 50.040, ~~and AS 46.14~~, with the following additions and exemptions:

(1) the date of receipt of the application <sup>is</sup> ~~will be~~ the date that the department has received all required information under AS 46.14.160 and this section;

(2) the department will provide at least 30 days for the public to comment, and ~~will~~ upon its own motion or upon a request in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d)-(h); ~~and~~ <sup>##</sup>

(3) if requested by the owner or operator of a stationary source or modification that requires both a PSD permit and a Title V permit or permit modification, the department will integrate review of the operating permit application or amendment required by 18 AAC 50.326 and the PSD permit application required by this section; a PSD permit application designated for integrated review <sup>will</sup> ~~shall~~ be processed in accordance with procedures and deadlines described in 18 AAC 50.326.

(d) In each PSD permit issued under this section, the department will include terms and conditions

(1) as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this section, including terms and conditions consistent with AS 46.14.180 that require the permittee to

(A) install, use, and maintain monitoring equipment;

(B) sample emissions according to the methods prescribed by the department <sup>and</sup> specified by the department and at locations, intervals, and by procedures specified by the department;

(C) provide source test reports, monitoring data, emissions data, and information from analysis of any test samples;

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(D) keep records; and

(E) make periodic reports on process operations and emissions, and reports consistent with 18 AAC 50.235 – 18 AAC 50.240; and

(2) for payment of fees consistent with 18 AAC 50.400 – 18 AAC 50.420.

(e) A person described in AS 46.14.200 may request an adjudicatory hearing to challenge the issuance, denial, or conditions of a PSD permit as prescribed in 18 AAC 15.195 – 1<sup>8</sup> AAC 15.340. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.310 is repealed:

18 AAC 50.310. **Construction permits: application.** Repealed. (Eff. 1/18/97, Register 141; repealed \_\_/\_\_/\_\_, Register \_\_)

18 AAC 50 is amended by adding a new section to read:

**18 AAC 50.311. Nonattainment area major stationary source permits.** (a)

In accordance Consistent with the provisions of 40 C.F.R. 51.165, as adopted by reference in 18 AAC 50.040, before commencing construction of a major stationary source, <sup>major</sup> major modification, or PAL <sup>major</sup> modification for a nonattainment pollutant in a nonattainment area, an owner or operator must obtain a construction permit from the department.

(b) The application for a permit under this section must include

(1) for the nonattainment air pollutant <sup>is a</sup>

(A) <sup>is a</sup> demonstration, including substantiating information, that emissions

of the pollutant will be controlled to a rate that represents the lowest achievable emission rate (LAER);

(B) <sup>and</sup> a demonstration that reductions in actual emissions from ~~an~~ other stationary ~~source or~~ sources within the nonattainment area will equal or exceed the expected maximum emissions increase from the construction and operation of the stationary source or modification;

satisfaction of the requirements in (B)

(C) a description of the proposed reductions in actual emissions used to demonstrate <sup>paragraph; the description must include</sup> (2) of this ~~subsection, including~~

(i) from each stationary source providing the emission reductions, a complete application for a <sup>minor</sup> permit under 18 AAC 50.508<sup>(g)</sup>(4); and

(ii) a certification that proposed reductions in actual emissions will occur before the onset of emission increases from the stationary source or modification;

(2) a demonstration that other stationary sources owned or operated by the applicant within the state are in compliance with

(A) AS 46.14, this chapter, the Clean Air Act, and applicable federal regulations; or

(B) <sup>(C-3)</sup> an order issued under AS 46.03 that controls air emissions from those stationary source; and

(3) a demonstration that the benefits of construction, operation, or modification of the stationary source will significantly outweigh the environmental and social costs incurred, considering factors such as alternative sites, sizes, production processes, and environmental control techniques.

In accordance with 40 C.F.R. 51.161, as revised as of July 1, 2003 and adopted by reference,

(c) <sup>a</sup> The department will provide notice and opportunity for <sup>(C-3)</sup> 30 day public comment

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period on the department's proposed permit or proposed denial. The department will issue a permit only if the department finds that the applicant has shown that the stationary source or modification will meet the requirements of (b) of this section and 40 C.F.R. 51.165.

Is adopted by reference in 18 AAC 50.040C

(d) In each construction permit issued under this section, the department will include terms and conditions

(1) as necessary to ensure that the proposed stationary source or modification will meet the requirements of this section, including terms and conditions consistent with AS

46.14.180 for

- (A) installation, use, and maintenance of monitoring equipment;
- (B) sampling emissions according to the methods prescribed by the department and specified by the department at locations, intervals, and by procedures specified by the department;
- (C) providing source test reports, monitoring data, emissions data, and information from analysis of any test samples;
- (D) keeping records; and
- (E) making periodic reports on process operations and emissions, and reports consistent with 18 AAC 50.235 – 18 AAC 50.240; and

(2) for payment of fees consistent with 18 AAC 50.400 – 18 AAC 50.420. (Eff.

\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 46.03.020	AS 46.14.020	AS 46.14.170
	AS 46.03.850	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	

18 AAC 50.315 is repealed:

18 AAC 50.315. Construction permits: review and issuance. Repealed. (Eff. 1/18/97,

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Register 141; am 6/21/98, Register 146; am 7/11/2002, Register 163; repealed \_\_/\_\_/\_\_,

Register \_\_)

18 AAC 50 is amended by adding a new section to read:

**18 AAC 50.316. Preconstruction review for construction or reconstruction of a major source of hazardous air pollutants. (a) Applicability.** The owner or operator of a

major source of hazardous air pollutants subject to a standard under 40 C.F.R. part 63, must obtain a construction permit before

- of hazardous air pollutants that*
- (1) constructing a new major source subject to ~~such~~ standard;
- of hazardous air pollutants that*
- (2) reconstructing a major source subject to ~~such~~ standard; or
- of hazardous air pollutants in a way causes to*
- (3) reconstructing a major source ~~such that~~ the source becomes an affected source under 40 C.F.R. Part 63 *that* is major-emitting and subject to the standard.

**(b) Definitions.** The term "administrator" as used in 40 C.F.R. 63.5(d) <sup>(e)</sup> means "department" for the purposes of this section.

**(c) Procedures for Preconstruction Approval.** An application for a construction permit prepared and submitted in accordance with 40 C.F.R. 63.5(d) <sup>(e)</sup> After receiving a complete application,

(1) the department will prepare a report that contains a preliminary decision to approve or deny the permit application; the department will make a decision to issue the permit only if ~~it~~ determines that the criteria of 40 C.F.R. 63.5(e)(1) are met;

(2) if the department makes the preliminary decision to deny the permit application, the owner, operator, or permittee may submit additional information for the department to consider before the department makes a final decision, as follows:

(A) after consulting with the applicant, the department <sup>will</sup> ~~may~~ specify dates by which the applicant <sup>must</sup> ~~shall~~ submit any additional information under this paragraph;

(B) within 60 days after receiving the additional information, the department will

(i) make a preliminary decision to approve or approve with conditions; or

(ii) take a final permit action and deny the permit application for cause;

(3) if the department makes a preliminary decision to approve the permit application, the department will

(A) prepare a draft permit; ~~and~~

(B) ~~the department will~~ provide at least 30 days for the public to comment, and ~~will~~ upon its own motion or upon a request in accordance with 18 AAC 15.060, will hold a public hearing on the application as described in 18 AAC 15.060(d)<sup>y</sup><sub>#</sub> (h); and

~~(3) if requested by the owner or operator of a stationary source or modification~~

(C) make available for public review the materials submitted by the applicant and a copy of the proposed permit in at least one location within the area known or expected to be affected by the stationary source as proposed;

(4) if the department makes a decision to issue a final permit, the department will issue the permit consistent with AS 46.14.170.

(5) <sup>the department</sup> Permit Content. A permit under this section will include terms and conditions that

(1) reference specific applicable requirements under each applicable subpart of 40<sup>7</sup>

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↖ C.F.R. 63; 3, adopted by reference in 18 AAC 50.040.

- (2) require reporting in accordance ~~consistent~~ with 18 AAC 50.235 <sup>(-)</sup> and 18 AAC 50.240; and
- (3) require payment of fees in accordance ~~consistent~~ with 18 AAC 50.400 – 18 AAC <sup>(5)</sup> 40.420.

(e) **Notification.** For each notification that the owner or operator is required to send to adopted by reference in 18 AAC 50.040, the administrator under 40 C.F.R. 63.9, the owner or operator shall also send a copy of the notification to the department. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.320 is repealed:

**18 AAC 50.320. Construction permits: content and duration.** Repealed. (Eff. 1/18/97, Register 141; repealed \_\_/\_\_/\_\_, Register \_\_)

18 AAC 50 is amended by adding a new section to read:

**18 AAC 50.321. Case-by-case maximum achievable control technology**

**determinations.** (a) **Purpose.** This section implements EPA requirements for case-by-case

maximum achievable control technology (MACT) determinations under 42 U.S.C. 7412(g) (Clean Air Act, sec. 112(g) of the and Clean Air Act, which are in 40 C.F.R. 63.40 – 63.44, adopted by reference in 18 AAC 50.040. <sup>(2)</sup>

(b) **Applicability.** This section applies to any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after *{the effective date of the regulations}*, unless <sup>the</sup> of hazardous air pollutants

42 U.S.C. 7412(d), (h) or (j) (2) <sup>(1)</sup> the major source has been specifically regulated or exempted from regulation by a standard under Clean Air Act Sections 112(d), 112(h), or 112(j), and 40 C.F.R. Part 63 <sup>(3)</sup> 18 AAC 50.040 <sup>(2)</sup> or

(2) ~~The~~ stationary source is exempted under (c) of this section.

(c) **Exclusions from this section.** The requirements of this section do not apply to

(1) an electric utility steam generating unit unless, and until such time as that unit is added to the source category list under 42 U.S.C. 7412(c)(5) (Clean Air Act, sec. 112(c)(5) of the Clean Air Act, or (C);

(2) a stationary source that is within a source category that has been deleted from the source category list under 42 U.S.C. 7412(c)(9) (Clean Air Act, sec. 112(c)(9) of the Clean Air Act, or (C); or

(3) research and development activities, as defined in 40 C.F.R. 63.41.

~~(d) Definitions. Terms in this section shall have the meaning given to them in 40 C.F.R. 63.41. Terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given to them in the Clean Air Act or in 40 C.F.R. 63 Subpart A.~~

(d)  
(e) Prohibition. A person subject to this section may not begin actual construction or reconstruction of a major source of hazardous air pollutants unless the department has made a final and effective case-by-case determination under (f) of this section under which such that emissions from of hazardous air pollutants the constructed or reconstructed major source will be controlled to a level no less stringent than the maximum achievable control technology emission limitation for new sources.

(e)  
(f) Procedures for MACT Determinations. To satisfy the requirements of (e) of this section the owner or operator must obtain a Notice of MACT Approval under the procedures of AS, adopted by reference in 18 AAC 50.040. 40 C.F.R. 63.43(d) - (m). To the extent practicable, the department will coordinate processing of the Notice of MACT Approval with the processing of any permit that is required for the stationary source or modification under this chapter. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.14.010 <sup>(g)</sup> AS 46.14.020

18 AAC 50.322 is repealed:

18 AAC 50.322. Construction permits: reopenings. Repealed. (Eff. 1/18/97, Register

(f) Definitions. For purposes of this section,  
9 (1) the definitions of 40 C.F.R. 63.41 are adopted by reference, except that "permitting authority" means the department;  
9 (2) terms used in this section that are not defined in 40 C.F.R. 63.41 have the meaning given in the Clean Air Act and 40 C.F.R. 63, Subpart A, except that "construction," "emission standard," "fugitive emissions," "hazardous air pollutant," "operator," "owner," "potential to emit," and "stationary source" have the meanings given in AS 46.14.99.

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141; repealed \_\_/\_\_/\_\_, Register \_\_)

18 AAC 50.325 is repealed:

18 AAC 50.325. Operating permits: classifications.  
Repealed. (Eff. 1/18/97, Register 141; am 6/21/98,  
Register 146; repealed \_\_/\_\_/\_\_, Register \_\_)

18 AAC 50 is amended by adding a new section to read:

18 AAC 50.326. Title V operating permits. (a) Obligation for a ~~Permit~~ <sup>le</sup> ~~Except as~~ <sup>le</sup>

provided in (b) - <sup>(k)</sup> ~~(m)~~ of this section, an owner or operator of a Title V source must obtain a  
<sup>Title V</sup> permit consistent with 40 C.F.R. <sup>Part</sup> 71, as adopted by reference in 18 AAC 50.040.

(b) **Definitions.** For purposes of this section, the definitions of 40 C.F.R. 71.2 are  
adopted by reference, except that

"applicable  
requirement"  
also means

(1) "permitting authority" and "delegate agency" mean the department;

<sup>this chapter,</sup>

(2) <sup>any</sup> obligation created by AS 46.14, ~~18 AAC 50,~~ or a term or condition of a  
preconstruction permit issued by the department <sup>is added to the definition of "applicable"</sup>  
<sup>requirement";</sup>

(3) "part 71 permit" <sup>means a Title V permit;</sup> ~~means "Title V permit" as required under 18 AAC 50.326;~~

(4) "part 71 program" means the permit program under <sup>this section;</sup> ~~18 AAC 50.326;~~

(5) "part 71 source" means any source subject to the permitting requirements  
<sup>this section;</sup> ~~under 18 AAC 50.326;~~

(6) "emissions unit" has the meaning given in AS 46.14.990;

(7) "stationary source" has the meaning given in AS 46.14.990;

(8) "administrator" means the administrator of <sup>EPA,</sup> ~~the U.S. Environmental Protection~~  
<sup>Agency,</sup> except that "administrator" or "regional administrator" mean <sup>Cs</sup> the department at

(A) 40 C.F.R. 71.3(e); and

(B) 40 C.F.R. 71.6(a)(7).

(c) **Applications.** For the purposes of 40 C.F.R. 71.5(a)(1)(i) and (ii), a timely  
application is one that satisfies AS 46.14.150 <sup>Cs and</sup> the provisions of 40 C.F.R. 71.5(a)(1)(i) - (ii) do

use a normal dash,  
not an "em" dash

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not apply. Application fees must be paid <sup>in accordance with</sup> ~~under~~ 18 AAC 50.400 – 18 AAC 50.430 <sup>rather than</sup> ~~40~~

~~C.F.R. 71.5~~ To establish confidentiality for information submitted to the department, the owner

and operator must satisfy the requirements of AS 46.14.520 <sup>2, and</sup> ~~the provisions of~~ 40 C.F.R.

71.5(a)(3) do <sup>not</sup> apply. <sup>Ces</sup> ~~Any references to the certification by a responsible official in 40 C.F.R.~~

~~21.5(d)~~ shall mean the certification under 18 AAC 50.205. The owner or operator of an existing <sup>The requirements of</sup> <sup>apply to a permit application, report, or compliance certification under this section, and 40 C.F.R. 71.5(d) does not apply</sup>

Title V source who is planning a modification that requires a Title I permit as well as an operating permit modification may request either

(1) integrated review of the Title I and Title V permits, in which the department will consolidate all required public notices, hearings, and comment periods; the applicant may provide either one application for both requested permits, or two separate applications; or <sup>under 40 C.F.R. 71.7(d), adopted by reference in 18 AAC 50.040</sup>

(2) changing the Title V permit by administrative amendment; <sup>to qualify for this close one space</sup> option, the application must satisfy the requirements for both the Title I and Title V applications; for applications that qualify, the department will issue or deny the Title I permit following the required procedures for the Title I permit, and all of the procedures of this section; a Title I permit must include all of the permit content required for the Title I permit and required under this section.

(d) ~~Applications – Insignificant Emission Units~~ <sup>le</sup> <sup>le</sup> <sup>le</sup>. The provisions in 40 C.F.R. 71.5(c)(11) for insignificant emission units and activities do not apply and are replaced by (d) – <sup>↑</sup> (i) of this section. Emission units and activities described in (e) - (i) of this section are <sup>use normal dash, not "em" dash</sup> insignificant and need not be included in an operating permit application except as follows:

(1) an emission unit is not insignificant and must be included in an operating permit application if the emission unit is subject to

(A) a federal requirement adopted by reference in 18 AAC 50.040(a) - (d);

(B) an emission unit-specific requirement established under

(i) 18 AAC 50.201;

(ii) a construction permit issued under this chapter; or

before January 13, 1997;

(iii) a permit issued ~~under former 18 AAC 50.400~~; or

stationary

(C) a source-specific or emission unit specific emission limitation;

each

(2) the application must list ~~all~~ requirements of 18 AAC 50.040(e), 18 AAC

lies

50.050 - 18 AAC 50.075, 18 AAC 50.085, and 18 AAC 50.090 that apply to insignificant

emission units at the stationary source;

each

(3) the application must list ~~all~~ emission units at the stationary source that ~~are~~

is

identified as insignificant under (e) or (g) of this section; if requested by the department, the

must

applicant ~~shall~~ provide sufficient documentation for the department to determine whether a

source has been appropriately listed as insignificant;

(4) the application may not omit information needed to evaluate the fee required

under 18 AAC 50.410;

(5) the application must include compliance certification based on reasonable inquiry for insignificant emission units; a compliance certification made during the permit term according to the schedule proposed to satisfy 40 C.F.R. 71.5(c)(9) must include insignificant emission units; ~~and~~

(6) the application must propose conditions for monitoring, record keeping, and reporting if the conditions are necessary to assure compliance with requirements identified in (2) of this subsection.

(e) Applications - ~~Insignificant Emission Units: Emission Rate Basis~~. Except as provided in (d) of this section, an emission unit is insignificant based on emission rate if its

pollutant

actual emissions of each air ~~contaminant~~ are less than the rates listed in (1) - (15) of this

subsection. If requested by the department, an applicant or permittee shall demonstrate that an

#

emission unit listed as insignificant under this subsection has actual emissions less than the following rates:

- (1) <sup>five</sup> 5 TPY of carbon monoxide;
- (2) <sup>two</sup> 2 TPY of nitrogen oxides;
- (3) <sup>two</sup> 2 TPY of sulfur oxides;
- (4) <sup>two</sup> 2 TPY of volatile organic compounds;
- (5) 0.75 TPY of PM-10;
- (6) 0.005 TPY of lead;
- (7) 0.15 TPY of fluorides;
- (8) 0.35 TPY of sulfuric acid mist;
- (9) 0.5 TPY of hydrogen sulfide;
- (10) 0.5 TPY of total reduced sulfur, including hydrogen sulfide;
- (11) 0.000000175 TPY of municipal waste combustor organics, measured as total tetra- through octa- chlorinated dibenzo-p-dioxins and dibenzofurans;
- (12) 0.75 TPY of municipal waste combustor metals, measured as particulate matter;
- (13) <sup>two</sup> 2 TPY of municipal waste combustor acid gases, measured as <sup>sulfur dioxide and hydrogen chloride;</sup> SO<sub>2</sub> and HCl;
- (14) <sup>two</sup> 2 TPY of ozone depleting substances in aggregate, the sum of Class I and Class II substances as defined in the Clean Air Act and 40 C.F.R. Part 82; <sup>C, adopted by reference in 18 AAC 50.040C</sup> and ~~and~~
- (15) 0.5 TPY for any regulated air pollutant not listed in (1) - (14) of this subsection.

(f) Applications - <sup>be</sup> ~~Insignificant~~ <sup>be</sup> ~~Emission~~ <sup>be</sup> ~~Units:~~ <sup>be</sup> ~~Category~~ <sup>be</sup> ~~Basis.~~ Except as provided in (d) of this section, the following categories of emission units are insignificant:

- (1) mobile transport tanks on vehicles, except for those containing asphalt or

volatile liquids;

(2) lubricating oil storage tanks;

(3) equipment used to mix, package, store, or handle soaps, lubricants, hydraulic fluid, vegetable oil, grease, animal fat, and aqueous salt solutions if covered in a manner that minimizes or prevents unintended emissions; this category does not include equipment used to mix or package powdered detergent, spray dryers, or any equipment that must have an emission control device to comply with the requirements of 18 AAC 50.045(d) or 18 AAC 50.055;

(4) pressurized storage of oxygen, nitrogen, carbon dioxide, air, or inert gasses;

(5) vents from continuous emissions monitors and other analyzers;

(6) sampling connections used exclusively to withdraw materials for laboratory analyses and testing;

(7) sample gathering, preparation, and management;

(8) equipment and instrumentation used for quality control, quality assurance, or inspection purposes;

(9) laboratory calibration and maintenance equipment;

(10) individual laboratory hoods;

(11) ventilating units used for human comfort that do not exhaust air ~~contaminants~~ <sup>pollutants</sup> into the ambient air from any manufacturing, industrial, or commercial process;

(12) comfort air conditioning;

(13) maintenance and upkeep activities such as routine housekeeping, grounds keeping, lawn and landscaping activities, general repairs, cleaning, painting, welding, plumbing, re-tarring roofs, applying insulation to buildings in accordance with applicable environmental and health and safety requirements, and paving or striping parking lots if these activities are not conducted as part of a manufacturing process, are not related to the primary business activity of

the stationary source, and do not otherwise require a permit revision; this category does not include process control flares, spray paint equipment for rail cars or aircraft, or boilers or internal combustion engines used to provide electric power or heat;

(14) portable solid waste containers such as dumpsters for municipal solid waste or office wastes;

(15) structural changes that do not give rise to air <sup>pollutant</sup> ~~contaminant~~ emissions; this category does not include emissions from construction activities;

(16) portable welding, brazing, cutting, and soldering operations used in incidental maintenance;

(17) recreational fireplaces, including the use of barbecues, campfires, and ceremonial fires;

(18) food preparation for human consumption including cafeterias, kitchen facilities, and barbecues located at a source for providing food service on the premises;

(19) tobacco smoking rooms and areas;

(20) emergency backup generators at single family or duplex residential locations;

(21) washers, dryers, extractors, and tumblers for fabrics using water solutions of bleach or detergents;

(22) janitorial services and consumer use of janitorial products;

(23) office activities;

(24) materials and equipment used by, and activity related to, operation of an infirmary <sup>if</sup> ~~where~~ the infirmary is not the stationary source's business activity; this category does not include medical waste incineration at military bases;

(25) personal care activities;

- (26) bathroom and toilet vents;
- (27) septic sewer systems, not including active wastewater treatment facilities;
- (28) cleaning and sweeping of streets and paved surfaces;
- (29) fuel and exhaust emissions from vehicles in parking lots;
- (30) flares used to indicate danger to the public;
- (31) firefighting and similar safety equipment and equipment used to train firefighters not subject to 18 AAC 50.065;
- (32) non-commercial smokehouses;
- (33) drop hammers or hydraulic presses for forging or metalworking;
- (34) blacksmith forges;
- (35) inspection equipment for metal products;
- (36) conveying and storage of plastic pellets;
- (37) plastic pipe welding;
- (38) tire buffing where a water spray is used with the particulate collection system to prevent smoke generation;
- (39) wet sand and gravel screening;
- (40) wax application;
- (41) ultraviolet curing processes;
- (42) hand-held applicator equipment for hot melt adhesives;
- (43) steam cleaning operations;
- (44) steam sterilizers;
- (45) portable drums and totes;
- (46) hand-held equipment for buffing, polishing, cutting, drilling, sawing, grinding, turning, or machining wood, metal, or plastic;

(3; this category does not include

(47) oxygen, nitrogen, or rare gas extraction and liquefaction equipment, ~~but not~~

~~including~~ associated power generation equipment;

(3; this category does not include

(48) equipment used exclusively to slaughter animals, ~~but not including~~ other

equipment at slaughterhouses such as rendering cookers, boilers, heating plants, incinerators, and electrical power generating equipment;

(49) ozonation equipment;

(50) demineralization and oxygen scavenging (deaeration) of water;

(51) pulse capacitors;

(52) laser trimmers using dust collection to prevent fugitive emissions;

(53) gas cabinets using only gasses that are not regulated air pollutants;

carbon dioxide

(54) ~~CO<sub>2</sub>~~ lasers used only on metals and other materials that do not emit

pollutants

hazardous air ~~contaminants~~ in the process;

(55) photographic process equipment by which an image is reproduced upon

photocopying,

material sensitized to radiant energy such as blueprint activity, ~~photocopiers,~~ mimeograph,

telefacsimile,

~~telefax,~~ photographic developing, and microfiche;

(56) consumer use of paper trimmers and binders;

(57) hydraulic and hydrostatic testing equipment;

(58) batteries and battery charging areas; this category does not apply to manufacturing or rebuilding facilities;

(59) salt baths using nonvolatile salts that do not result in emissions of any regulated air contaminants;

(60) shock chambers;

(61) mechanical wire strippers;

(62) humidity chambers;

- (63) solar simulators;
- (64) environmental chambers that do not use hazardous air <sup>pollutant</sup> ~~contaminant~~ gasses;
- (65) steam vents and safety relief valves not emitting process chemicals;
- (66) air compressors, pneumatically operated systems, and related hand tools;
- (67) digester chip feeders;
- (68) process water and white water storage tanks;
- (69) demineralizer tanks;
- (70) hydrogen peroxide tanks;
- (71) dryers <sup>including</sup> (Yankee, after dryer) <sup>and</sup> curing systems, and cooling systems;
- (72) winders;
- (73) chipping;
- (74) debarking;
- (75) pulp mill sludge dewatering and handling;
- (76) screw press vents;
- (77) pond dredging;
- (78) polymer tanks and storage devices and associated pumping and handling equipment used for solids dewatering and flocculation;
- (79) electrical circuit breakers, transformers, or switching equipment installation or operation;
- (80) electric or steam-heated drying ovens or autoclaves, excluding the articles or substances being processed in the ovens or autoclaves and the boilers delivering the steam;
- (81) sewer manholes, junction boxes, sumps, and lift stations associated with wastewater treatment systems at publicly owned treatment works;
- (82) lube oil, seal oil, or hydraulic fluid storage tanks and equipment if those

volatile organic compounds (C)

tanks and equipment do not emit VOCs or hazardous air contaminants; pollutants;

C; this category does not include

(83) natural gas pressure regulator vents, excluding venting at oil and gas

production facilities;

(84) lubricating pumps, sumps, and systems;

(85) well service equipment;

heating, ventilation,  
and air conditioning (C)

C; this category  
does not include

(86) aircraft ground support (AGE) equipment, lights and HVAC support, but

excluding portable power generators;

(87) engine crankcase vents and equipment lubricating sumps;

(88) tanks containing separated water produced from oil and gas operations;

(89) skimmer pits, oil-water separators, and maintenance of filter separators;

(90) removal of sludge or sediment from pits, ponds, sumps, or wastewater

conveyance facilities;

(91) site assessment work, including the evaluation of waste disposal or

remediation sites;

(92) instrument systems using air or natural gas;

(93) drill site manifold and wellhead enclosures;

(94) vent emission from gas streams used as buffer or seal gas in rotating pump

and compressor seals;

(95) natural gas odorizing activities;

(96) pneumatic starters on reciprocating engines, turbines, compressors, or other

equipment;

(97) pipeline maintenance pigging activities;

(98) truck, car, or aircraft washing if equipment is not designed to vaporize

hydrocarbons from the wash water;

(99) nonroutine clean-out of tanks and equipment for the purpose of worker entry or in preparation for maintenance or decommissions;

(100) fugitive emissions of jet fuels associated with aircraft fuel cell and fuel bladder repair;

(101) portable electrical generators that can be moved by hand from one location to another;

liquefied petroleum gas (C)

(102) natural gas and LPG vehicle fleet fueling facilities;

(103) military field exercises, except emissions from permanent stationary sources;

(104) fire suppression; ~~and~~

(105) storage of water-treating chemicals to be used in a drinking water system or a boiler water feedwater system.

(g) Applications - <sup>le</sup> ~~Insignificant~~ <sup>le</sup> ~~Emission~~ <sup>le</sup> ~~Units:~~ <sup>le</sup> ~~Size or~~ <sup>le</sup> ~~Production Rate~~ <sup>le</sup> ~~Basis.~~

Except as provided in (d) of this section, the following emission units are insignificant on the basis of size or production rate:

(1) <sup>#</sup> operation, loading, and unloading of storage tanks and storage vessels with less than a 260-gallon capacity (35 cubic feet), with lids or other closure and heated only to the minimum extent necessary to avoid solidification;

(2) operation, loading, and unloading of storage tanks with not greater than 1,100-gallon capacity, with lids or other closure not for use with hazardous air <sup>pollutants,</sup> ~~contaminants,~~ and with a maximum true vapor pressure of 550 millimeters (mm) of mercury (Hg);

(3) operation, loading, and unloading of volatile liquid storage with 10,000-gallon capacity or less, with lids or other closure and storing liquid with a vapor pressure not greater than 80 <sup>millimeters (mm) of mercury (Hg)</sup> ~~mm Hg~~ at 21 degrees <sup>Celsius;</sup> ~~C~~

(4) operation, loading, and unloading of butane, propane, or liquefied petroleum gas (LPG) storage tanks with vessel capacity under 40,000 gallons;

(5) a combustion emission unit with a rated capacity less than 4,000,000 Btu<sup># per hour</sup> ~~hr~~ liquefied petroleum gas (LPG); emission units under exclusively using natural gas, butane, propane, or LPG; this paragraph do ~~does~~ not include internal combustion engines;

(6) a combustion emission unit with a rated capacity less than 350,000 Btu<sup># per hour</sup> ~~hr~~ using a commercial fuel containing less than 0.5 percent sulfur by weight for coal or less than 500,000 Btu<sup># per hour</sup> at one percent sulfur by weight for other fuels; emission units under this paragraph do ~~does~~ not include internal combustion engines;

(7) a combustion emission unit with a rated capacity less than 1,700,000 Btu<sup># per hour</sup> ~~hr~~ using fuel oil, No. 1, or No. 2 fuel oil; emission units under this paragraph do ~~does~~ not include internal combustion engines;

(8) a combustion emission unit with a rated capacity less than 300,000 Btu<sup># per hour</sup> ~~hr~~ if emission units under burning used oil; this paragraph do ~~does~~ not include internal combustion engines;

(9) a combustion emission unit with a rated capacity less than 450,000 Btu<sup># per hour</sup> ~~hr~~ if burning wood waste or waste paper; emission units under this paragraph do ~~does~~ not include internal combustion engines;

(10) welding using not more than 50 pounds per day of welding rod;

(11) foundry sand molds, unheated and using binders with less than 0.25 percent free phenol by sand weight;

(12) "paralyene" coaters using less than 500 gallons of coating per year;

(13) printing and silkscreening using less than two gallons per day of any combination of inks, coatings, adhesives, fountain solutions, thinners, retarders, or nonaqueous solutions if they do not contain hazardous air ~~contaminants~~; pollutants;

(14) comfort cooling towers and ponds that have a capacity not greater than

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10,000 gallons per minute, that are not used with barometric jets or condensers, and that do not use chromium-based corrosion inhibitors;

(15) combustion turbines rated at less than 160 horsepower;

(16) batch distillation equipment with a batch capacity not greater than 55 gallons

and used only for solvents that do not contain hazardous air ~~contaminants;~~ pollutants;

(17) cleaning equipment <sup>(A)</sup> with less than 10 square feet <sup>of</sup> air-vapor interface <sup>(B)</sup> using

(i) that does not contain a hazardous air pollutant; and (ii)

~~non-hazardous air contaminant~~ solvent with a vapor pressure not more than 30 millimeters (mm) of mercury (Hg)

degrees ~~C~~ Celsius;

(18) surface coating using less than two gallons per day of formulations not

containing hazardous air ~~contaminants;~~ pollutants;

(19) tanks, vessels, and pumping equipment with lids or other appropriate closure

for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids;

(20) cleaning and stripping activities and equipment using solutions having less

volatile organic compounds (VOCs)

than one percent VOCs by weight; when used on metallic substances, acid solutions are not insignificant;

(21) equipment with lids or other closures used exclusively to pump, load,

unload, or store organic material that has an initial boiling point (IBP) not less than 150 degrees

Celsius

millimeters (mm) of mercury (Hg)

and a vapor pressure not more than 5 ~~mm Hg~~ at 21 degrees ~~C~~ Celsius;

volatile organic compounds (VOCs)

(22) surface coating, aqueous solution, or suspension containing less than one

percent VOCs;

(23) storage and handling of water <sup>C-2</sup> based lubricants for metal working <sup>if</sup> where the

organic content of the lubricant is less than 10 percent;

(24) municipal or industrial wastewater chlorination facilities of not greater than

1,000,000 gallons per day capacity; and

horsepower

(25) diesel engines of 250 HP or less being used to provide power for well servicing equipment.

(h) Applications - ~~Insignificant Emission Units: Case-by-Case Basis~~. This subsection lists emission units or activities that may be insignificant on the basis of size or production rate. Insignificant emission units and activities listed in this subsection that are subject to a standard under 18 AAC 50.050 - 18 AAC 50.090 must be listed on the permit application. Except as provided in (d) of this section, the department may determine the

following emission units to be insignificant on a case-by-case basis:

(that are permitted under 33 U.S.C. 1342 (Federal Water Pollution Control Act, National Pollutant Discharge

(1) NPDES-permitted ponds and lagoons used solely for settling suspended solids and skimming oil and grease; and

Elimination System), and that are

(2) coffee roasters with a capacity of less than 15 pounds per day of coffee.

(i) Applications - ~~Insignificant Emission Units: Administratively Insignificant Sources~~. The following emission units might have significant emissions, but are considered administratively insignificant emission units for the purpose of operating permit applications:

(1) the propulsion of mobile sources;

(2) general vehicle maintenance, including vehicle exhaust from repair stationary sources; and

(3) agricultural activities on the property of a stationary source that are not subject to new source review by the department, and are not under common control with the permitted stationary source.

under 18 AAC 50.306, 18 AAC 50.311, or 18 AAC 50.502,

terms and conditions

will be developed in accordance

Part

adopted by reference in 18 AAC 50.040,

(j) Permit Content. Permits issued under this section shall comply with 40 C.F.R. 71, except as follows:

with respect to any fee requirement or reference, the applicable provisions

(1) All references to fees shall be read as referring to the appropriate portion of (18)

apply, and

does not apply

AAC 50.400 - 18 AAC 50.430 rather than 40 C.F.R. 71.9;

(2) the department will in the permit the permit must include the expiration date; provisions of apply, and permit duration and expiration shall be consistent with AS 46.14.230; 40 C.F.R. 71.6(a)(2) and (a)(11) do not apply;

3, adopted by reference in 18 AAC 50.346,

(3) a stationary source subject to this section will also be subject to the standard operating permit conditions and other permit conditions as required by 18 AAC 50.345 and 18 AAC 50.346; subject to the department's prompt reporting of permit deviations is close one space let the "i" and "d" governed by Standard Permit Condition III instead of 40 C.F.R. 71.6(a)(3)(iii)(B)(1) - (B)(4); the permit provisions of 40 C.F.R. 71.6(a)(5) - (7) are replaced by the standard conditions of 18 AAC 50.345; use normal dashes, not "em" dashes

for purposes of (4) 40 C.F.R. 71.6(c)(6) does not apply; the department will include in a Title V permit, consistent with AS 46.14.020(b) and 46.14.180, terms and conditions that are necessary to implement a requirement of AS 46.14 or this chapter;

(5) notwithstanding 40 C.F.R. 71.6(b), department is a term or condition is will not be federally enforceable unless required by the Clean Air Act; that term or is such conditions are not subject to affected state review; under 40 C.F.R. 71.8 in C, the department each term or that is not federally enforceable and not subject to the provisions of the permit will identify any such conditions; and subject to affected state review;

(6) inspection and entry requirements are governed by AS 46.14.515; 40 C.F.R. 71.6(c)(2) does not apply;

upon request of the applicant, and in accordance with this section and with 40 C.F.R. 52.21(aa), adopted by reference in 18 AAC 50.040,

(7) the department will establish a plantwide applicability limitation (PAL) may include in a Title V permit terms and conditions to establish a Clean Unit or a Plantwide Applicability Limit consistent with 40 C.F.R. 52.21(y) and

The review and issuance of be conducted in accordance (k) Permit Review and Issuance. Part in 18 AAC 50.040 permit issued under this section will comply with 40 C.F.R. 71.6(c)(2) adopted by reference, except as follows:

(1) the department may electronic than by mail; distribute public notices a to a person through electronic media rather

if the person requests that the department send the notice by postal mail, the department will send the notice (2) the department will only issue a permit if the permit conditions provide for the provisions of compliance with all applicable requirements and the requirements of this section; 40 C.F.R.

71.7(a)(1)(iv) does not apply;

(the provisions of)

(3) 40 C.F.R. 71.7(a)(1)(v) and (a)(2) do not apply; the department will, subject to the provisions of AS 46.14.170 and AS 46.14.220, issue the final permit; if EPA objects to a permit after the 45-day review period in AS 46.14.220 and the department has not issued the final permit, the department will not issue the final permit until the objections are resolved if the objections are based on

(A) a petition filed by a person that is submitted within 60 days after the review period ends; and

(B) objections that were raised during the public comment period for the permit, unless the petitioner shows that raising ~~it was impracticable to raise~~ the objection during was impracticable the public comment period or that grounds for the objection arose after the public comment period;

(4) language in 40 C.F.R. Part 71 that makes related provisions in 40 C.F.R. Part 71 dependent on whether a program has been delegated does not apply, including the phrase "in the case of a program delegated pursuant to §71.10" in 40 C.F.R. 71.7, 71.8, and 71.11, and the phrase "When a part 71 program has been delegated in accordance with the provisions of this section," in 40 C.F.R. 71.10;

(5) a permit under this section becomes effective 30 days after the department issues the final permit;

(6) when the department makes a final decision to approve or deny an application for a Title V permit, the department will notify the applicant and any person who commented on the application; a person described in AS 46.14.200 may request an adjudicatory hearing as prescribed in 18 AAC 15.195 – 18 AAC 15.340; the provisions of 40 C.F.R. 71.11(d)(1)(i)(E) in does not apply; as the department notification of denial of an application will include the reasons for denial;

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(7) the department will keep for <sup>five</sup> years <sup>any</sup> such records and submit to the federal administrator <sup>any</sup> such information <sup>that</sup> as the federal administrator may reasonably require to ascertain whether the State <sup>Title V permit</sup> program complies with the requirements under <sup>42 U.S.C. 7661 - 7661f</sup> (Title V <sup>of the</sup> Clean Air Act).  
(Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.140 AS 46.14.190  
AS 46.14.010 AS 46.14.150 AS 46.14.220  
AS 46.14.020 AS 46.14.170 AS 46.14.230  
AS 46.14.120 AS 46.14.180 AS 46.14.515  
AS 46.14.130

~~Editor's note: The requirement in 18 AAC 50.326(b)(2) adds state-only requirements to a Title V permit, such as emission standards, that EPA has not yet approved into the state implementation plan~~

18 AAC 50.330 is repealed:

18 AAC 50.330. Operating permits: exemptions. Repealed. (Eff. 1/18/97, Register 141; repealed \_\_/\_\_/\_\_, Register \_\_)

Publisher: Delete editor's note that follows 18 AAC 50.330.

18 AAC 50.335 is repealed:

18 AAC 50.335. Operating permits: application. Repealed. (Eff. 1/18/97, Register 141; <sup>am</sup> 6/14/98, Register 146; 6/21/98, Register 146; am 10/16/2003, Register 168; repealed \_\_/\_\_/\_\_, Register \_\_)

Publisher: Delete editor's note that follows 18 AAC 50.335.

18 AAC 50.340 is repealed:

18 AAC 50.340. Operating permits: review and issuance. Repealed. (Eff. 1/18/97,

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Register 141; am 6/14/98, Register 146; am 7/11/2002, Register 163; repealed \_\_/\_\_/\_\_,

Register \_\_)

18 AAC 50.341 is repealed:

18 AAC 50.341. Operating permits: reopenings. Repealed. (Eff. 6/14/98,

Register 146; repealed \_\_/\_\_/\_\_, Register \_\_)

*Publisher: Delete editor's note after 18 AAC 50.341.*

18 AAC 50.345(h)(3) and (j) are amended to read:

(3) inspect any stationary source [FACILITY], equipment, practices, or operations regulated by or referenced in the permit; and

....

(j) The permittee shall certify all reports, compliance certifications, or other documents submitted to the department and required under the permit by including the signature of a responsible official for the permitted stationary source [FACILITY] following the statement: "Based on information and belief formed after reasonable inquiry, I certify that the statements and information in and attached to this document are true, accurate, and complete." Excess emission reports must be certified either upon submittal or with an operating report required for the same reporting period. All other reports and other documents must be certified upon submittal. [When certifying a compliance certification, the official's signature must be notarized.]

....

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am 5/3/2002, Register 162; am

<sup>#</sup>  
\_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020

AS 46.14.120

AS 46.14.140

AS 46.14.010

AS 46.14.130

AS 46.14.180

18 AAC 50.346(a), (b), and (c) are amended to read and (d) is repealed:

**18 AAC 50.346. Construction and operating permits: other permit conditions. (a)**

For a construction permit or Title V [OPERATING] permit, the department will use the standard permit condition [CONDITIONS LISTED] in this subsection, unless the department determines that emissions unit <sup>C-specific</sup> [SOURCE] or stationary source-specific [FACILITY-SPECIFIC] conditions more adequately meet the requirements of <sup>this chapter</sup> 18 AAC 50 or that no comparable condition is appropriate for the stationary source [FACILITY] or emission unit [SOURCE]. The department's Standard Permit Condition II – Air Pollution Prohibited, as revised as of August 25, 2004, January 26, 2004 <sup>1/2</sup> is [FOLLOWING STANDARD PERMIT CONDITIONS PREPARED BY THE DEPARTMENT ARE] adopted by reference [:]

(1) STANDARD PERMIT CONDITION I – EMISSION FEES, APRIL 1, 2002;

(2) STANDARD PERMIT CONDITION II – AIR POLLUTION PROHIBITED, APRIL 1, 2002;

(3) STANDARD PERMIT CONDITION III – EXCESS EMISSIONS AND PERMIT DEVIATION REPORTS, APRIL 1, 2002;

(4) STANDARD PERMIT CONDITION IV – NOTIFICATION FORM, APRIL 1, 2002].

(b) In a Title V [AN OPERATING] permit, the department will use the standard permit conditions listed in this subsection, unless the department determines that emission unit <sup>C-specific</sup> or stationary source-specific [SOURCE OR FACILITY-SPECIFIC] conditions more adequately <sup>this chapter</sup> meet the requirements of 18 AAC 50 or that no comparable condition is appropriate for the Title

V source [FACILITY] or emission unit [SOURCE]. The following standard permit conditions prepared by the department are adopted by reference:

(1) Standard Permit Condition I – Emission Fees. January 26, 2004 <sup>as revised as of August 25, 2004;</sup>

*No underlining or bold* (2) Standard Permit Condition III – Excess Emissions and Permit Deviation Reports. January 26, 2004; <sup>as revised as of August 25, 2004;</sup>

(3) Standard Permit Condition IV – Notification Form. January 26, <sup>as revised as of August 25, 2004;</sup>

2004;

<sup>as revised as of August 25, 2004</sup> (4) Standard Operating Permit Condition V – Insignificant Sources, January 26, 2004 [APRIL 1, 2002];

(5) [(2)] Standard Operating Permit Condition VI – Good Air Pollution Control Practices, January 26, 2004 [APRIL 1, 2002]; <sup>as revised as of August 25, 2004</sup>

<sup>(6)</sup> [(3)] Standard Operating Permit Condition VII – Operating Reports, January 26, 2004 [APRIL 1, 2002]. <sup>as revised as of August 25, 2004</sup>

(c) Unless the department determines that emission unit or stationary source-specific <sup>C-specific</sup> [SOURCE OR FACILITY-SPECIFIC] conditions more adequately meet the requirements of <sup>this chapter</sup> [8 AAC 50], the department will use the standard operating <sup>close one force</sup> permit conditions listed in Table 7 of this subsection for the respective emission unit [SOURCE] or emission unit [FACILITY] types identified in the table. The standard operating permit conditions listed in Table 7 are adopted by reference.

Table 7

Source or Facility Type	Standard Operating Permit
Emission Unit or Activity [SOURCE OR FACILITY TYPE]	

	Condition
-Gas-fired fuel burning equipment, except flares	Standard Operating Permit Condition VIII – Visible Emissions and Particulate Matter Monitoring Plan for Gas-Fired Fuel Burning Equipment, <u>August 25,</u> <u>January 26,</u> <u>2004</u> [APRIL 1, 2002]
-Stationary diesel engines -Liquid-fired stationary turbines -Other liquid-fired fuel burning equipment	Standard Operating Permit Condition IX –Visible Emissions and Particulate Matter Monitoring Plan for Liquid-Fired Sources, <u>August 25,</u> <u>January 26,</u> <u>2004</u> [APRIL 1, 2002]
-Coal fired boilers -Coal handling <u>equipment</u> [FACILITIES] -Construction of gravel pads or roads that are part of a permitted <u>stationary source</u> [FACILITY], or other construction that has the potential to generate fugitive dust that reaches ambient air -Commercial, industrial, municipal solid waste, air curtain, and medical waste incinerators -Sewage sludge incinerators not using wet	Standard Operating Permit Condition X - Reasonable Precautions to Prevent Fugitive Dust, <u>August 25,</u> <u>January 26,</u> <u>2004</u> [APRIL 1, 2002]

<p>methods to handle the ash</p> <p>-Mines</p> <p>-Urea manufacturing</p> <p>-Soil remediation units</p> <p>-Dirt roads under the control of the operator with frequent vehicle traffic</p> <p>-Other sources the department finds are likely to generate fugitive dust</p>	
<p>-Fuel burning equipment burning liquid fuel</p>	<p>Standard Operating Permit Condition XI</p> <p>- SO<sub>2</sub> Emissions from Oil Fired Fuel Burning Equipment, <u>August 25,</u> <u>January 26, 2004</u> [APRIL 1, 2002]</p>
<p>-Fuel burning equipment burning liquid fuel</p>	<p>Standard Operating Permit Condition XII - SO<sub>2</sub> Material Balance Calculation, <u>August 25,</u> <u>January 26, 2004</u> [APRIL 1, 2002]</p>
<p>-Coal fired boilers</p>	<p>Standard Operating Permit Condition XIII - Coal Fired Boilers, <u>August 25,</u> <u>January 26, 2004</u> [APRIL 1, 2002]</p>

(d) Repealed \_\_/\_\_/\_\_\_\_ (Eff. 5/3/2002, Register 162; am \_\_/\_\_/\_\_\_\_,

Register \_\_)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.180

AS 46.14.010 AS 46.14.130 AS 46.14.250

AS 46.14.020 AS 46.14.140

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18 AAC 50.350 is repealed:

18 AAC 50.350. Operating permits; content. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; am 5/3/2002, Register 162; repealed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

18 AAC 50.355 is repealed:

18 AAC 50.355. Changes to a permitted facility. Repealed. (Eff. 1/18/97, Register 141; repealed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

18 AAC 50.355 is repealed:

18 AAC 50.360. Facility changes that violate a permit condition. Repealed. (Eff. 1/18/97, Register 141; repealed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

18 AAC 50.365 is repealed:

18 AAC 50.365. Facility changes that do not violate a permit condition. Repealed. (Eff. 1/18/97, Register 141; ~~am 6/14/98, Register 146~~; repealed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

18 AAC 50.370 is repealed:

18 AAC 50.370. Administrative revisions. Repealed. (Eff. 1/18/97, Register 141; ~~am 6/14/98, Register 146~~; repealed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

18 AAC 50.375 is repealed:

18 AAC 50.375. Minor and significant permit revisions. Repealed. (Eff. 1/18/97, Register 141; am 6/14/98, Register 146; am 6/21/98, Register 146; repealed \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_, Register \_\_\_\_\_)

18 AAC 50.380 is repealed:

18 AAC 50.380. General operating permits. Repealed. (Eff. 1/18/97, Register 141; am

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6/14/98, Register 146; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

18 AAC 50.385 is repealed:

**18 AAC 50.385. Permit-by-rule for certain small storage tanks. Repealed. (Eff.**

6/21/98, Register 146; repealed \_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

18 AAC 50.390 is repealed:

**18 AAC 50.390. Permit-by-rule for drilling rigs and associated equipment.**

Repealed. (Eff. 2/2/2002, Register 161; am 2/6/2002, Register 161; repealed \_\_\_/\_\_\_/\_\_\_,

Register \_\_\_)

18 AAC 50.400(b) is amended to read:

(b) The owner or operator of a stationary source [FACILITY] subject to AS 46.14.240 shall submit a retainer in the amount of

(1) \$100 with a request for an open burning approval submitted under

18 AAC 50.065;

(2) \$13,000 with an application for a construction permit submitted under 18

AAC 50.306 or 18 AAC 50.311 [18 AAC 50.310(d) AND (f)];

(3) \$7,000 with an application for a construction permit submitted under 18 AAC

50.316, or for a minor permit for offsetting emission reductions submitted under 18 AAC

50.508(a)(4) and 18 AAC 50.540 [18 AAC 50.310(h) AND (j)];

(4) \$4,000 with an application for a minor [CONSTRUCTION] permit for

carbon monoxide emissions near a nonattainment area submitted under 18 AAC 50.540 and

(18 AAC 50.502)  
either 18 AAC 50.502(c)(1)(E) or (c)(3)(D) [18 AAC 50.310(g)];

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(5) \$2,000 with an application for a minor [CONSTRUCTION] permit submitted under 18 AAC 50.502 or 18 AAC 50.508 [18 AAC 50.310] and not listed in (3) [(2) - (4)] of this subsection;

(6) \$500 with an application for an administrative permit amendment [REVISION] submitted under 18 AAC 50.326 [18 AAC 50.370];

(7) \$1,000 with an application for a minor modification to a Title V permit [REVISION] submitted under 18 AAC 50.326 [18 AAC 50.375(b)];

(8) \$3,000 with an application for a significant modification to a Title V permit [REVISION] submitted under 18 AAC 50.326 [18 AAC 50.375(h)];

(9) \$300 with an application submitted for a general operating permit <sup>91(A)</sup> authorized under AS 46.14.210 and developed under 18 AAC 50.326 or ~~general operating permit~~ <sup>5</sup> developed under 18 AAC 50.560 [18 AAC 50.380]; <sup>91(B)</sup>

(10) \$300 with an application submitted for an owner-requested limit under 18 AAC 50.508(a)(5) [OR A PREAPPROVED LIMIT UNDER 18 AAC 50.225 - 18 AAC 50.230]; and

(11) \$4,000 with any other Title V [OPERATING] permit application submitted and not listed in (6) - (9) [(6) - (10)] of this subsection.

(Eff. 1/18/97, Register 141; am 6/21/98, Register 146; am \_\_\_/\_\_\_/\_\_\_ <sup>9</sup> Register \_\_\_)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.240

AS 46.03.020

18 AAC 50.401 is amended by adding a new section to read:

**18 AAC 50.401. Fees for a notice of MACT approval.** An owner or operator shall

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submit with a request for a ~~Notice~~<sup>file</sup> of MACT approval under 18 AAC 50.321 a retainer of \$7000.

*Align* For the purpose of issuing the approval, the department's fee rate is \$78 an hour. (Eff.

\_\_/\_\_/\_\_, Register \_\_)

Authority: AS 44.46.025 AS 46.14.240 AS 46.14.250

18 AAC 50.410 is repealed and readopted to read:

18 AAC 50.410. **Emission fees.** (a) On or after *{the effective date of the regulations}*, for each period from July 1 through the following June 30, the permittee, owner, or operator shall pay to the department an annual emission fee based on the stationary source's assessable emissions for that year for each stationary source that

~~(1)~~ is required to submit an operating permit application

~~(2)~~ is classified under 18 AAC 50.502; or

~~(3)~~ operates under a permit by rule established in this chapter; emission fees for

~~stationary sources operating under a permit by rule are established in 18 AAC 50.570 based on the fee rate set in (b) of this section and are not subject to (c) = (e) of this section.~~

(b) The rate is \$12.52 per ton for emissions of each air pollutant if a stationary source emits more than 10 tons of that <sup>air</sup> pollutant for that year, except that the emission fee for reduced sulfur compounds or ammonia is limited to the first 4,000 tons of emissions in the year.

(c) The quantity of emissions for which fees will be assessed is the lesser of the stationary source's

(1) potential to emit; or

(2) projected annual rate of emissions, as that term is used in AS 46.14.250, if demonstrated by

(A) an enforceable test method described in 18 AAC 50.220;

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et al.

(B) material balance calculations;

(Compilation of Air Pollutant Emission Factors, Volume I: Stationary Point and Area Sources,)

(C) emission factors from EPA's Publication AS-42, Vol. I, adopted by

reference in 18 AAC 50.035; or

(D) other methods and calculations approved by the department.

(d) For a stationary source that needs an operating permit only because that source contains an emission unit that is subject to a federal emission standard under 42 U.S.C. 7411 or 42 U.S.C. 7412, and that is not described in (a)(2) or (a)(3) of this section, only emissions from the emission unit subject to that standard are subject to emission fees under this section.

(e) In emissions projections prepared under AS 46.14.250(h)(1)(B) and (c)(2) of this section, the permittee, owner, or operator shall account for emissions from equipment classified under 18 AAC 50.100 that temporarily replaces or substitutes for permanently installed equipment at a stationary source. (Eff. 1/18/97, Register 141; am 5/3/2002, Register 162; am 10/16/2003, Register 168; am \_\_/\_\_/\_\_, Register Repealed)

Authority: AS 44.46.025 AS 46.14.140 AS 46.14.250  
AS 46.03.020

18 AAC 50.420(e)(2) and (3) are amended to read:

(2) identify the total number of stationary sources [FACILITIES] covered by each general operating permit at the time the permit is developed; and

(3) establish the fee by dividing the total cost by the number of stationary sources [FACILITIES].

18 AAC 50.420(f)(1) and (2) are amended to read:

(1) increases a stationary source's [FACILITY'S] assessable emissions through

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a permit revision shall pay to the department an emission fee for the increase in assessable emissions; the fee is due within 60 days after the effective date of the permit revision; or

(2) decreases the stationary source's [FACILITY'S] assessable emissions through a permit revision may request a pro-rated refund or credit to the stationary source's [FACILITY'S] fee account toward future fees.

18 AAC 50.420(g) and the lead-in to (i) are amended to read:

(g) The owner, operator, or permittee who terminates operations or whose permit has lapsed or is terminated by the department may request a refund calculated by the department for fees collected in excess of the amount due for the stationary source's [FACILITY'S] actual emissions.

....

(i) Unless the person required to pay the fee requests otherwise, an invoice for emission fees or permit administration fees will be sent to the last known address of the stationary source [FACILITY] that is subject to the fee. Invoices will include an itemized list of charges and credits for the billing period and a calculation of total credit balance or amount due on the account. For permit administration fees, the listing will also state

....

(Eff. 1/18/97, Register 141; am 10/16/2003, Register 168; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

Authority:	AS 44.46.025	<u>AS 46.14.140</u>	AS 46.14.250
	AS 46.03.020	AS 46.14.240	AS 46.14.255

18 AAC 50 is amended by adding new sections ~~18 AAC 50.502 – 18 AAC 50.570~~ to read:

## Article 5. Minor Permits

### Section

502. Minor permits for air quality protection

508. Minor permits requested by the owner or operator

509. Construction of ~~Designating~~ a pollution control project without a permit

540. Minor permit: application

542. Minor permit: review and issuance

544. Minor permits: content

546. Minor permits: renewal and revision

548. Minor permits: administrative revisions

547. Permit continuity

560. minor General permits

565. Preapproved emission limits

~~570. Permit by rule for drilling rigs and associated equipment~~

**18 AAC 50.502. Minor permits for air quality protection.** (a) minor A permit is required as *use a normal dash, not an "em" dash*

described in (b) before (f) of this section, except that a permit is not required under this section ~~before~~

(1) before construction, modification, or relocation of a new major stationary source or

major modification that requires a permit under 18 AAC 50.306 – 18 AAC 50.311; however, a minor permit is also required under this section for an air pollutant if that air pollutant which is not significant under 40 C.F.R.

52.21(b)(23) if and for which a permit is not required under 18 AAC 50.311 that a minor permit is

under this paragraph required for that pollutant air and the permit will be issued as part of the major permit;

before (2) operation if the stationary source needs a Title V permit; ~~or~~

(3) <sup>before</sup> relocation if the stationary source is already allowed by permit to operate at the new location; C; or  
¶ (4) as provided in (g) of this section.

(b) Except as provided in (a) or (d) of this section, the owner or operator must obtain a <sup>minor</sup> permit under this section before constructing, operating, or relocating a stationary source containing

- (1) an asphalt plant with a rated capacity of at least five tons per hour of product;
- (2) a thermal soil remediation unit with a rated capacity of at least five tons per hour of untreated material;
- (3) a rock crusher with a rated capacity of at least five tons per hour;
- (4) incinerators with a cumulative rated capacity of 1000 pounds per hour;
- (5) a coal preparation plant; or
- (6) a Port of Anchorage stationary source.

(c) The owner or operator must obtain a <sup>minor</sup> permit under this section before commencing

(1) construction of a new stationary source with a potential to emit greater than

- (A) 15 TPY <sup>of</sup> PM-10;
- (B) 40 TPY NO<sub>x</sub> <sup>of nitrogen oxides;</sup>
- (C) 40 TPY SO<sub>2</sub> <sup>of sulfur dioxide;</sup>
- (D) 0.6 TPY <sup>of</sup> lead; or
- (E) 100 TPY <sup>of</sup> carbon monoxide within 10 <sup>kilometers</sup> of a nonattainment area; or

(2) construction or, if not already authorized in a permit under this chapter,

relocation of

(A) a portable oil and gas operation; or

<sup>or more</sup>  
(B) an emission unit with a rated capacity of 10 million Btu per hour in a sulfur dioxide special protection area after {the effective date of the regulations} or

established  
under 18 AAC  
50.025(c);

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(3) a physical change to or change in the method of operation of an existing stationary source with <sup>close one space</sup> a potential to emit an air pollutant greater than an amount listed in (1) of this subsection that will cause for that pollutant <sup>(A) the</sup> either an increase in potential to emit, or an

<sup>(B)</sup> increase in actual emissions and <sup>a</sup> net <sup>increase</sup> actual emissions greater than

(i) of 10 TPY PM-10;

(ii) of sulfur dioxide;

(B) 10 TPY SO<sub>2</sub>;

(iii) of nitrogen oxides;

(C) 10 TPY NO<sub>x</sub> or

(iv) of

(D) 100 TPY carbon monoxide for a stationary source within 10

kilometers of a nonattainment area.

(d) An owner or operator may satisfy the requirement for a <sup>minor</sup> permit under this section <sup>stationary</sup> through a <sup>or</sup> source specific permit issued under 18 AAC 50.540 – 18 AAC 50.544, a general, <sup>minor</sup> permit under 18 AAC 50.560, <sup>or</sup> a permit by rule under 18 AAC 50.570. A permit under this

section <sup>an operating</sup> may state that it is valid at multiple locations. The owner or operator of an existing stationary source listed in (c) of this section operating under a permit issued <sup>under the former 18</sup> under the former 18

~~AAC 50.325 – 18 AAC 50.390~~ before {the effective date of the regulations} may

(1) continue to operate under that permit, which remains in effect regardless of

the stated expiration date in the permit, unless the department takes an action under (AS)

<sup>✓</sup> 46.14.280; or

(2) apply for a new permit under this section at any time.

(e) For the purposes of (c)(3) of this section, actual emissions shall be calculated by

comparing projected actual emissions to the <sup>(h)</sup> baseline actual emissions, <sup>as the latter term is</sup> as the latter term is defined in 40 C.F.R. 52.21(b)(48), except that in that definition the term "major stationary

source" shall be read as "stationary source". For the purposes of this section, "projected actual

emissions" means the maximum annual rate, in tons per year, at which an existing emissions unit

52.21(b)(3)(i)(a), "net emissions increase" is not restricted to a significant emissions increase or significant net emissions increase within the meaning of 40 C.F.R. 52.21(b)(3), (23), and (40), or to a major stationary source; and 74 (B) the calculation of whether a modification requires a minor permit under (c)(3) of this section, rather than whether the modification is a major modification; 9(4)

9(1) "baseline actual emissions" has the meaning given in 40 C.F.R. 52.21(b)(48), adopted by reference in 18 AAC 50.040, except that in that definition the term "major stationary source" is

revised to read "stationary source within the meaning given in AS 46.14.990";

9(2) "electric utility steam generating unit" has the meaning given in 40 C.F.R. 51.166(b)(30), as revised as of July 1, 2003 and adopted by reference;

9(3) "net emissions increase" has the meaning given in 40 C.F.R. 52.21(b)(3), adopted by reference in 18 AAC 50.040,

except that "net emissions increase" applies to 9(A) any increase in emissions of an air pollutant at a stationary source with

existing emissions of that air pollutant greater than the amounts listed in (c)(1) of this section; notwithstanding 40 C.F.R. 52.21(a)(2)(iv), as referenced in 40 C.F.R.

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is projected to emit a regulated NSR pollutant in any one of the <sup>Five</sup> ~~3~~ years, based upon a 12-month period <sup>is following the date</sup> ~~that begins the day after~~ the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or the potential to emit that regulated NSR pollutant and full utilization of the unit would result in an emissions increase or a net emissions increase greater than a threshold in (c)(3) of this section. In determining the projected actual emissions, before beginning actual

construction, the owner or operator of the stationary source shall

*Move, as edited, to spot marked on page 77.* <sup>Align</sup> (1) consider all relevant information, including historical operational data, the <sup>owner's or operator's</sup> ~~company's~~ own representations, the <sup>owner's or operator's</sup> ~~company's~~ expected business activity and the <sup>owner's or operator's</sup> ~~company's~~ highest projections of business activity, the <sup>owner's or operator's</sup> ~~company's~~ filings with the state or federal regulatory authorities, and compliance plans under <sup>AS 46.14.120</sup> ~~the approved State Implementation Plan~~; and

(2) include fugitive emissions to the extent quantifiable and emissions associated with startups, shutdowns, and malfunctions; and

(3) exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth.

<sup>If</sup> (f) <sup>a calculation of</sup> ~~In circumstances where~~ the owner or operator elects to base permit applicability for a modification on <sup>if</sup> ~~actual emissions~~, <sup>that</sup> ~~the project does not need a minor permit based on such~~ calculation, and <sup>if</sup> ~~there is~~ a reasonable possibility <sup>exists</sup> ~~that~~ the project may result in an emissions increase greater than the thresholds in (c)(3) of this section, the owner or operator shall comply with the following:

(1) before beginning actual construction of the project, the owner or operator shall document and maintain a record of the following information:

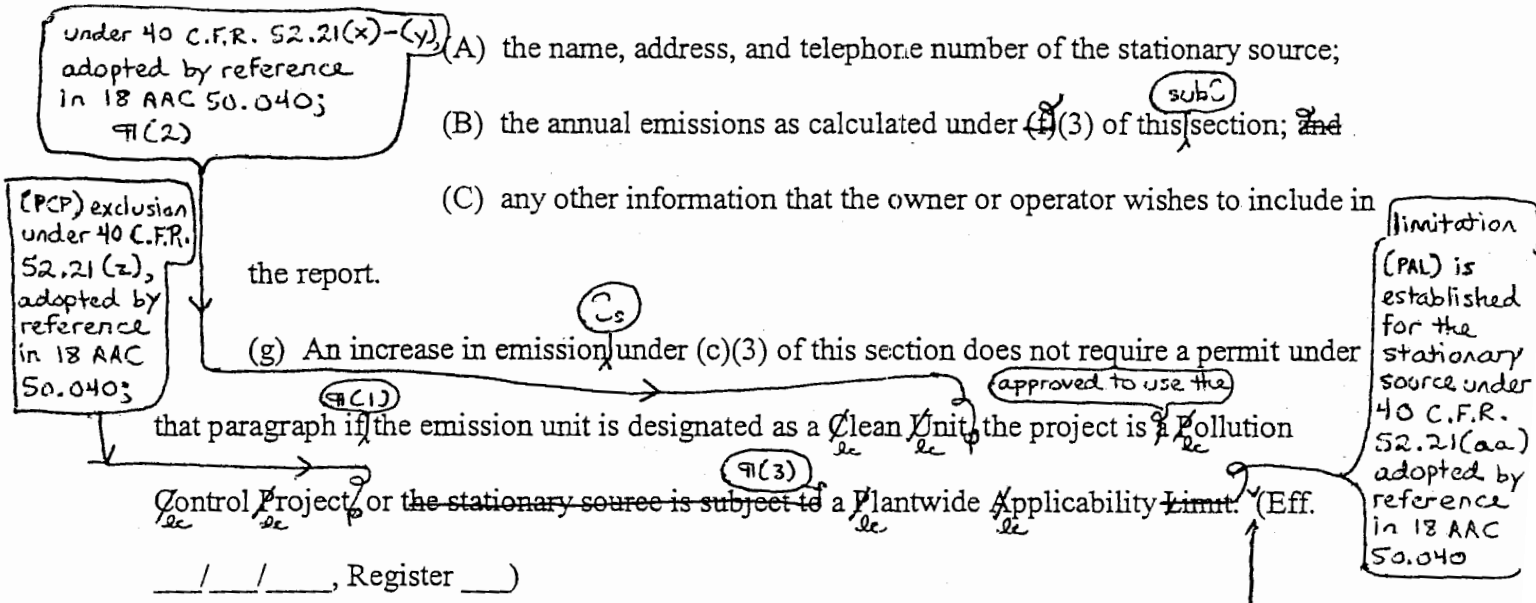
- (A) a description of the project;
- (B) identification of each emission unit that has emissions of a regulated NSR pollutant that could be affected by the project; and
- (C) a description of the applicability test used to determine that the project is not a modification subject to (c)(3) of this section for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under (e)(3) of this section, ~~and~~ an explanation for why that amount was excluded, and any netting calculations, if applicable;

(2) if the emission unit is an existing electric utility steam generating unit, before beginning actual construction, the owner or operator shall provide a copy of the information listed in ~~(f)~~<sup>sub</sup>(1) of this section to the department;

(3) the owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emission unit identified in ~~(f)~~<sup>sub</sup>(1)(B) of this section ~~and~~<sup>shall</sup> calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of ~~3~~<sup>five</sup> years following resumption of regular operations after the ~~change~~<sup>project,</sup> or for a period of 10 years following resumption of regular operations after the ~~change~~<sup>project</sup> if the project increases the design capacity of or potential to emit that regulated NSR pollutant at ~~such~~<sup>that</sup> emission unit;

(4) if the ~~unit~~<sup>emission</sup> is an existing electric utility steam generating unit, the owner or operator shall submit a report to the department within 60 days after the end of each year during which records must be generated under ~~(f)~~<sup>sub</sup>(3) of this section setting out the unit's annual emissions during the calendar year that preceded submission of the report.

(5) if the <sup>emissions</sup> unit is an existing unit other than an electric utility steam generating unit, the owner or operator shall submit a report to the department if the annual emissions, in tons per year, from the project identified in <sup>sub C</sup> (f)(1) of this section, exceed the baseline actual emissions, as documented and maintained under <sup>sub C</sup> (f)(1)(C) of this section, by an amount exceeding the thresholds in (c)(3) of this section for that regulated NSR pollutant, and if <sup>those</sup> such emissions differ from the reconstruction projection as documented and maintained under <sup>sub C</sup> (f)(1)(C) of this section; <sup>the</sup> such report shall be submitted to the department within 60 days after the end of <sup>that</sup> such year; the <sup>must</sup> report shall contain the following:



Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170	Insert circled text from pages 74-75 here. as new subsec. (h)
	AS 46.14.010	AS 46.14.130	AS 46.14.180	
	AS 46.14.020	AS 46.14.140		

Editor's note: In comparable EPA regulations at 40 C.F.R. 52.21(r)(6)(v)(c), the EPA gives as an example to the information required in 18 AAC 50.502(f)(5)(C), an explanation as to why the emission differ from the preconstruction projection.

operator may request a minor permit from the department for

(1) designating an emission unit at a major stationary source as a Clean Unit <sup>in accordance</sup> <sup>(C, adopted by reference in 18 AAC 50.040,)</sup> <sup>le le</sup> consistent with 40 C.F.R. 52.21(y); the provisions of 40 C.F.R. 52.21 apply to a Clean Unit designated by a permit issued under this chapter;

(2) <sup>approving</sup> <sup>exclusion</sup> designating a project at a major stationary source <sup>for</sup> as a pollution control project (PCP), except for a project that may be designated as a PCP without a permit under 18 AAC <sup>(C, adopted by reference in 18 AAC 50.040,)</sup> 50.509; the provisions of 40 C.F.R. 52.21(z) apply to a ~~Pollution Control Project~~ <sup>PCP exclusion approved</sup> designated under this chapter;

(3) <sup>or revising</sup> establishing a plantwide applicability <sup>limitation</sup> limit (PAL) for a major stationary source; <sup>(C, adopted by reference in 18 AAC 50.040,)</sup> the provisions of 40 C.F.R. 52.21(aa) <sup>or revised</sup> apply to a PAL established under this chapter;

(4) establishing actual emission reductions from an existing stationary source if requested by that source's owner or operator to offset an increase in allowable nonattainment air pollutant emissions at a

(A) new major stationary source;

(B) major modification; or

(C) PAL major modification;

(5) establishing an owner requested limit (ORL) for a stationary source; the owner or operator may avoid a permit classification under AS 46.14.130 if the department approves an owner requested limit on the source's ability to emit air pollutants; a limitation approved under an ORL is an enforceable limitation for the purpose of determining

(A) stationary source-specific allowable emissions; and

(B) a stationary source's potential to emit; <sup>or</sup>

(6) revising or rescinding the terms and conditions of a Title I permit issued under this chapter. (Eff. \_\_/\_\_/\_\_, Register \_\_)

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Authority: AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140

**18 AAC 50.509. Designating a pollution control project without a permit.** *See*

pollution control project (PCP) listed in 40 C.F.R. 52.21(b)(32)(i) - (vi) *is adopted by reference in 18 AAC 50.040, may be designated*

~~without a permit. The owner or operator may begin actual construction of the project~~

*is required under this chapter*

~~immediately after sending a notice to the department, unless a permit or a Notice of MACT~~

*received* ~~Approval under 18 AAC 50.321 is otherwise required under this chapter for the project. The~~

*under this section from the owner or operator*

*is adopted by reference in 18 AAC 50.040*

notice must contain the information listed in 40 CFR 52.21(z)(3). To maintain eligibility for the

PCP exclusion, the owner or operator ~~shall~~ *must* respond to any requests by the department for

additional information that the department determines is necessary to evaluate the suitability of

the project for the PCP exclusion. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.140  
AS 46.14.010 AS 46.14.130 AS 46.14.170  
AS 46.14.020

**18 AAC 50.540. Minor permit: application. (a) Application ~~Information~~.** An

*stationary* application for a source-specific minor permit must provide all of the information required by

*required by*

*applicable*

*unless*

this section, including all information called for on the listed forms, ~~except that the department~~

*specifies that the provision of one or more specific items makes the provision of additional items unnecessary for the*

~~may specify that some of the listed information may not be needed, depending on other~~

*department's determination.*

~~Information given in the application. Applications must be on department forms. The~~

~~department may require that applications be submitted in electronic format. To qualify for the~~

~~fast track procedures of 18 AAC 50.542(b), the department may require that the application be~~

completed online.

(b) ~~General~~ Information. Each application must include the information prescribed by the stationary source identification form, included in the department's Minor Permit Application Forms, adopted by reference in 18 AAC 50.030. An application for a stationary source classified under 18 AAC 50.502, except for a Port of Anchorage stationary source, must include the information required in the information prescribed by the minor permit emission summary form, included in the department's Minor Permit Application Forms, adopted by reference in 18 AAC 50.030.

(c) ~~Minor Permit for Air Quality Protection~~. Except for a Port of Anchorage stationary source, a permit application under 18 AAC 50.502 must include ~~the information~~

prescribed in

the information required in

Information

(1) the emission unit form, included in the department's Minor Permit Application Forms, adopted by reference in 18 AAC 50.030; and

(2) for a permit to construct, modify, or relocate a stationary source, a demonstration that the proposed potential emissions from the stationary source will not interfere with the attainment or maintenance of the ambient air quality standards;

reference in 18 AAC 50.030; the ambient demonstration must follow an approved protocol if the department requests a protocol; unless the department has made a finding in writing that the

stationary source or modification does not need an ambient analysis to determine that

construction and operation will not result in a violation of an ambient air quality standard, the

application must include an ambient analysis for

(A) each air pollutant for which a permit is required under 18 AAC 50.502(c)(1) or (3);

~~(B) sulfur dioxide, PM-10, and nitrogen oxides for a portable oil and gas~~

~~operation;~~

(B)

~~(C) sulfur dioxide for a stationary source in an sulfur dioxide special~~

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(established under 18 AAC 50.025(c))  
protection area; or

^ (C) an air

~~(D)~~ for a pollutant for which the department requests an analysis for a

stationary source classified under 18 AAC 50.502(b).

(d) ~~Carbon Monoxide Source or Modification~~. For construction that would increase carbon monoxide emissions by 100 TPY or more within 10 kilometers of a nonattainment area, an application must include a demonstration that the potential to emit carbon monoxide emissions from construction and operation of the stationary source or emissions increase from the modification will not cause or contribute to a violation of the ambient air quality standard for carbon monoxide.

(e) **Port of Anchorage**. For a Port of Anchorage stationary source, the application must include the information required in the department's Air Quality Compliance Procedures for Volatile Liquid Storage Tanks, Delivery Tanks, and Loading Racks, adopted by reference in (18) AAC 50.030.

(f) **Clean Units**. An application for a ~~minor~~ <sup>making</sup> permit to establish a ~~Clean Unit~~ designation consistent with 40 C.F.R. 52.21(y) <sup>C, adopted by reference in 18 AAC 50.040C</sup> must include a demonstration that the unit meets the criteria for a ~~Clean Unit~~ in 40 C.F.R. 52.21(y)(3) and (4).

(g) **Pollution Control Project (PCP)**. An application for a ~~minor~~ <sup>approving a pollution control project</sup> permit to give approval to ~~use the PCP exclusion~~ <sup>C, adopted by reference in 18 AAC 50.040C</sup> must include the information listed in 40 C.F.R. 52.21(z)(3)(i) - (v). <sup>signing or revising</sup>

(h) **Plantwide Applicability Limit (PAL)**. An application for a ~~minor~~ <sup>limitation</sup> permit to establish a ~~PAL~~ <sup>plantwide applicability limitation</sup> consistent with 40 C.F.R. 52.21(aa) <sup>C, adopted by reference in 18 AAC 50.040. As the department considers necessary to evaluate impacts on ambient air quality standard</sup> must include the information listed in 40 C.F.R. 52.21(aa)(3). <sup>will</sup> The department ~~may~~ <sup>will</sup> require the application to include a demonstration that emissions under the PAL will not cause or contribute to a violation of ambient air quality standards.

(i) **Offset Emissions**. An application for a ~~minor~~ <sup>for a limitation</sup> permit <sup>C, adopted by reference in 18 AAC 50.040. As the department considers necessary to evaluate impacts on ambient air quality standard</sup> classified under 18 AAC 508(a)(4) to

- (1) a calculation of the expected reduction in actual emissions; and
- (2) the emission limitation representing that quantity of emission reduction.

(j) Owner Requested Limits (ORLs). <sup>a minor permit establishing</sup> An application for <sup>(ORL)</sup> an owner requested limit <sup>le</sup> must <sup>le</sup> include the information and materials required under 18 AAC 50.225(b)(2)-(7). ~~an owner requested limit form, included in the department's Minor Permit Application~~

(k) Revising or Rescinding Permit Conditions. An application for a permit to revise or rescind permit terms or conditions of a Title I must include

- (1) a copy of the Title I permit that established the permit term or condition;
- (2) an explanation of why the permit term or condition should be revised or

(3) the effect of revising or revoking the permit term or condition on emissions, terms, and compliance monitoring; and

- (4) for a condition that allows an owner or operator to avoid a permit

classification, the information required of an applicant for that type of permit, unless the revised condition would also allow the owner or operator to avoid the classification. (Eff. \_\_\_\_ / \_\_\_\_ / \_\_\_\_,

Register \_\_\_\_

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	

18 AAC 50.542. Minor permit: review and issuance. (a) Permit <sup>issuance</sup> ~~issuance~~ <sup>re</sup> ~~procedure~~

Options. The department will use either the fast track procedures <sup>(in)</sup> ~~of~~ this (b) and (c) of this

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of this section, or the procedures ~~that include a public comment period~~ in (d) of this section to issue a stationary source-specific minor permit. The fast track procedures ~~may be used~~ <sup>are available</sup> for a permit classification under 18 AAC 50.502 if the application qualifies under (b) and (c) of this section, unless

(1) the stationary source is

- (A) classified under 18 AAC 50.502(c) for carbon monoxide emissions; <sup>established under 18 AAC 50.502(c)</sup>
- (B) in a sulfur dioxide special protection area;
- (C) in the Nikiski Industrial Area; or
- (D) on an offshore platform; <sup>or</sup>

(2) a person requests a public comment period under (b)(1) of this section.

(b) <sup>C-C</sup> Fast Track Procedures. <sup>C-C</sup> Fast track procedures for minor permits <sup>under 18 AAC 50.502 are</sup> must satisfy the <sup>as follows:</sup>

~~Following:~~

(1) upon receiving a complete application the department will give notice using <sup>C-C</sup> by the Alaska Online Public Notice System established under AS 44.62.175 ~~and~~ mail or electronic mail to persons on a list maintained by the department, including any person who requests to be

notified, and <sup>by</sup> <sup>if a person requests to be sent notice by postal mail instead of electronic mail, the</sup> other means the department finds necessary for informing the public; <sup>the notice will</sup> <sup>department will send the notice by postal mail; in the notice, the department will</sup>

(A) include a summary of the information provided by the applicant, and

(B) give any person 15 days to request a <sup>C-C</sup> 30 day public comment period

<sup>under</sup> consistent with (d) of this section; if a comment period is requested, the department will

<sup>make a preliminary decision and</sup>

issue a public notice under (d) of this section;

(2) if required by the department, the owner or operator shall apply online;

(3) for <sup>an air</sup> a pollutant for which a permit is required under 18 AAC 50.502(c), or for

<sup>an air</sup> a pollutant for which the department requests an analysis for a stationary source classified under

18 AAC 50.502(b), the application must include a screening ambient air quality analysis

in accordance

consistent with (c) of this section, unless the department has made a finding in writing that the

stationary source or modification does not need an ambient air quality analysis to determine that

construction and operation will not result in a violation of an ambient air quality standard;

(4) C-2 are available ~~The fast track procedures may only be used~~ if all predicted air pollutant

concentrations meet the compliance criteria in (c)(2) of this section; ~~and~~

(5) if the approval criteria of (f) ~~(e)~~ of this section are met, the department will issue

the permit within 30 days after receiving the application.

Screening  
ambient  
air quality  
analysis.

*Bold this  
subsection  
heading*

(c) (3) A screening ambient air quality analysis under (b) (2) of this section

(1) must

(A) following C-2 a modeling protocol developed by the department or otherwise approved by the department that is suitable for fast track permitting; the department will approve the protocol for a screening level modeling demonstration if it finds that the department would be able to adequately review the resulting modeling demonstration in the time available for fast track permitting;

(B) use a model and screening meteorological data approved by the department for the fast track procedure;

(2) is considered to show compliance with the ambient air quality standard for an air pollutant and averaging period if

(A) for a new stationary source or modification, the predicted ambient air concentration from the stationary source, excluding offsite or background contributions, does not exceed 2/3 of each ambient standard for PM-10, or 80 percent of each ambient standard for sulfur dioxide or nitrogen oxides;

(B) for a modification, the predicted concentration resulting from the increase is less than the significant impact levels in Table 5 in 18 AAC 50.215(d) Table 5; or

(C) for a modification, if the owner or operator has completed a previous ambient analysis that adequately characterizes the stationary source as it existed before the modification and, the sum of the highest ambient air concentration from the previous analysis plus the highest predicted ambient air concentration resulting from the increase is less than the concentration described in ~~(2)~~ paragraph. (A) of this ~~subsection.~~

(d) Procedures ~~That Include a Public Comment Period.~~ following The department will use the to issue procedures ~~of this subsection~~ to issue a permit under 18 AAC 50.508 or a permit under 18 AAC 50.502 for which ~~fast track is not used. To use this section~~ the fast-track procedures in (b) and (c) of this section are not available;

(1) no later than 30 days after an application is determined or considered to be complete under AS 46.14.160 or additional information is submitted in accordance consistent with AS 46.14.160(c), the department will make a preliminary decision to approve or deny the application; the department will provide notice and opportunity for public comment on the department's preliminary decision as follows:

(A) the department will provide at least 30 days for the public to submit comments;

(B) the department will give notice using

(i) using the Alaska Online Public Notice System established under AS

44.62.175;

(ii) by mail or electronic mail to persons on a list maintained by the

department, including any person who requests to be notified; and

(iii) by other means the department finds necessary for informing the

public;

(C) the department will make available for public inspection in at least one location in the affected area

(i) the information submitted by the owner or operator;

if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail;

(ii) any department analysis on the effect on air quality;

(iii) the reasons for the department's preliminary proposed approval or denial;

and

(iv) if the department proposes to approve the application, a copy of the proposed permit;

(D) for a request under 18 AAC 50.508 (2) (6) to revise a construction permit issued under 18 AAC 50.306 – 18 AAC 50.316, the department will provide an opportunity for public hearing in accordance with as adopted by reference in 18 AAC 50.040 consistent with 40 C.F.R. 51.166(q)(2)(v); and

(E) the department will make a preliminary decision to approve the application only if the application includes all information required by 18 AAC 50.540, and the department finds that the approval criteria of (f) of this section will be met; the department will include in a preliminary permit any conditions necessary to assure compliance with this chapter;

(2) the department will notify the applicant, and any person who commented on the department's preliminary decision, of the department's final decision to approve or deny the permit application; a person described in AS 46.14.200 may request an informal or adjudicatory hearing as prescribed in 18 AAC 15.195 – 18 AAC 15.340; in a notification of denial of an application to the department will include the reasons for denial.

(e) **Adding a minor permit to a Title V permit by administrative amendment.** An owner or operator may add the conditions of a minor permit to a Title V permit by administrative amendment if

(1) the minor permit is issued using procedures that satisfy both the requirements of this section and of 18 AAC 50.326; and

(2) the permit contains terms and conditions that satisfy the requirements of both

18 AAC 50.544 and 18 AAC 50.326.

(f) ~~Approval~~ <sup>Criteria</sup>. The department will

(1) deny a <sup>minor</sup> permit application for a stationary source or modification classified under 18 AAC 50.502 if the department finds that construction and operation will result in a violation of

(A) a requirement of 18 AAC 50.045 – 18 AAC 50.090; or

(B) an ambient air quality standard;

(2) deny a <sup>minor</sup> permit application for carbon monoxide emissions near a nonattainment area if the department finds that construction and operation of the stationary source will cause an ambient concentration that exceeds a carbon monoxide concentration in Table 5 in 18 AAC 50.215 at a location that does not or would not meet an ambient air quality standard for carbon monoxide;

(3) deny a <sup>minor</sup> permit for a Port of Anchorage stationary source if the department finds that construction and operation of that source will result in a violation of a requirement of 18 AAC 50.045 – 18 AAC 50.090;

(4) approve a <sup>minor</sup> permit for designating a <sup>le</sup> ~~Clean~~ <sup>le</sup> Unit, if the department finds that the emission unit satisfies the criteria <sup>for a clean unit</sup> in 40 C.F.R. 52.21(y) <sup>3, adopted by reference in 18 AAC 50.040;</sup> ~~for a Clean Unit;~~

(5) approve a <sup>minor</sup> permit <sup>a pollution control project (C)</sup> for granting approval to use the PCP exclusion, if the department finds that the project satisfies the criteria <sup>For a PCP</sup> in 40 C.F.R. 52.21(z) <sup>C, adopted by reference in 18 AAC 50.040;</sup> ~~for a PCP;~~

(6) approve a <sup>minor</sup> permit for establishing or revising a PAL, if the department finds that the emission unit satisfies the criteria <sup>For a PAL</sup> in 40 C.F.R. 52.21(aa) <sup>C, adopted by reference in 18 AAC 50.040,</sup> ~~for a PAL,~~ and if the department required an ambient air quality analysis, that emissions under the PAL will not cause or contribute to a violation of an ambient air quality standard;

(7) approve a <sup>minor</sup> permit for a <sup>Cation</sup> limit requested under 18 AAC 50.508 <sup>(C)(4)</sup> (e) to establish

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offsetting emissions, if the department finds that permanent, actual emission reductions of the nonattainment air pollutant will result from the limitations proposed in the application;

(8) approve a <sup>minor</sup> <sup>establishing</sup> permit for an owner requested limit <sup>3</sup>classified under 18 AAC 50.508<sup>(a)</sup>(5), if the department finds that

(A) the stationary source is capable of complying with the limit<sup>3</sup> and

(B) the permit conditions are adequate for determining continuous compliance with the limit; <sup>and</sup>

(9) approve a request under 18 AAC 50.508<sup>(a)</sup>(6) to revise or rescind a <sup>Title I</sup> permit term or condition, if the department finds that the permit will still require the owner or operator to comply with all applicable requirements of this chapter.

(g) **Duration.** A minor permit issued under this section remains in effect until changed by another Title I permit or by an action by the department under AS 46.14.280, except

<sup>is adopted by reference in 18 AAC 50.040,</sup>  
(1) as provided in 40 C.F.R. 52.21 for a <sup>le</sup>Clean <sup>le</sup>Unit, <sup>le</sup>Pollution <sup>le</sup>Control <sup>le</sup>Project, or <sup>le</sup>Plantwide <sup>le</sup>Applicability <sup>le</sup>Limit; and

(2) that an owner requested limit that avoids only a Title V permit remains in effect until the owner or operator <sup>is</sup> requests in writing to revise or revoke the limit and, if the new limit no longer avoids the requirement for a Title V permit, obtains that permit. (Eff.

\_\_\_/\_\_\_/\_\_\_, Register \_\_\_)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.200

18 AAC 50.544. Minor permits: content. (a) In each <sup>minor</sup> permit issued under 18 AAC 50.542, the department will

(1) identify the stationary source, the project, the permittee, and contact information;

(2) include the requirement to pay permit administration fees <sup>in accordance</sup> ~~consistent~~ with (18)

↙ AAC 50.400 and 18 AAC 50.420;

(3) include any conditions established under 18 AAC 50.201; and

(4) include the requirements of a owner requested limit under 18 AAC 50.225

that applies to the stationary source.

(b) In each <sup>minor</sup> permit under 18 AAC 50.502(b), the department will include

(1) terms and conditions as necessary to ensure that the proposed stationary source or modification will meet the requirements of AS 46.14 and this chapter, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) a permit condition requiring the owner or operator to

(A) perform regular maintenance considering the manufacturer's or the operator's maintenance procedures;

(B) keep records of any maintenance that would have a significant effect on emissions; the records may be kept in an electronic format; and

(C) keep a copy of either the manufacturer's or the operator's

maintenance procedures.

(c) In each <sup>minor</sup> permit under 18 AAC 50.502(c), the department will include terms and conditions

(1) as necessary to ensure that the proposed stationary source or modification will not cause or contribute to a violation of any ambient air quality standard or the standards of <sup>(18)</sup> AAC 50.110, or to impose a limit under 18 AAC 50.201, including terms and conditions under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations and intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions;

(2) performance tests for emission limits under 18 AAC 50.050 – 18 AAC 50.090; and

(3) maintenance of equipment according to the manufacturer's or operator's <sup>procedures.</sup> maintenance ~~schedules.~~

(d) For each stationary source that is not subject to Title V permitting under 18 AAC 50.326 <sup>(3)</sup>, the <sup>department</sup> <sup>in the minor permit</sup> <sup>is, in accordance with 18 AAC 50.205,</sup> permit will include the requirement for a periodic affirmation <sup>accurately described</sup> of whether the stationary source is still <sup>minor</sup> represented by the application and permit, and whether the owner or operator has made changes that would trigger the requirement for a new permit under this

chapter. <sup>In minor</sup> <sup>the department</sup> <sup>set out a time period between required affirmations as appropriate to the stationary source regulated by the minor permit.</sup> The permit will define "periodic" <sup>exclusion in accordance</sup> <sup>(40)</sup> <sup>the minor permit.</sup> <sup>In minor</sup> <sup>approves</sup> (e) A permit that establishes a Pollution Control Project designation consistent with

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As adopted by reference in 18 AAC 50.040, the department will include C.F.R. 52.21(z) ~~and must contain~~ the requirements listed in 40 C.F.R. 52.21(z)(6).

In <sup>minor</sup> (f) ~~the~~ permit that establishes a <sup>or revises</sup> Plantwide Applicability Limit <sup>limitation (PAL), the department will include 9(1) the contents</sup> ~~limit must contain the provisions~~ <sup>adopted by reference in 18 AAC 50.040;</sup> ~~listed in 40 C.F.R. 52.21(aa)(7), and may contain conditions to prevent emissions under the PAL~~ <sup>9(2) as the department considers necessary</sup>

from causing or contributing to a violation of an ambient air quality standard.

(g) In each <sup>minor</sup> permit under 18 AAC 50.508<sup>(a)</sup>(4) to establish offsetting emissions, the department will include terms and conditions to ensure that the stationary source will meet the criteria in 18 AAC 50.542<sup>(f)</sup>(7), including terms and conditions imposed under AS 46.14.180 for

(A) installation, use, and maintenance of monitoring equipment;

(B) sampling emissions according to the methods prescribed by the department and at locations, intervals, and by procedures specified by the department;

(C) providing source test reports, monitoring data, emissions data, and information from analyses of any test samples;

(D) keeping records; and

(E) making periodic reports on process operations and emissions.

<sup>establishing an owner requested limit</sup>  
<sup>A minor</sup> (h) The permit for an <sup>under</sup> (ORL) <sup>classified in</sup> 18 AAC 50.508<sup>(a)</sup>(5) <sup>CS</sup> will consist of a letter of approval ~~that~~ <sup>from the department. In the letter of approval, the department will</sup>

(1) describes the terms and conditions of the approval, including the limits, specific testing, monitoring, recordkeeping, and reporting requirements;

(2) lists all equipment covered by the approval;

(3) describes the permit that the limit allows the owner or operator to avoid; and

(4) <sup>set out</sup> ~~contains~~ the statement "I understand and agree to the terms and conditions of this approval" followed by a space for the owner's or operator's ~~notarized~~ <sup>on the date of the</sup> signature; the ORL becomes effective <sup>upon notarized signature</sup>.

<sup>minor</sup> (i) In each permit under 18 AAC 50.508<sup>(a)</sup>(6) that revises or rescinds terms or conditions

of a Title I permit, the department will include terms and conditions as necessary to ensure that the permittee will construct and operate the proposed stationary source or modification in accordance with this chapter. If the limit

(1) made it possible for the owner or operator to avoid any preconstruction review under this chapter, the limit remains in effect until the owner or operator obtains

(A) ~~obtains~~ a new construction permit under this chapter as if the limit had never existed; or

(B) ~~obtains~~ a new limit under this section or under 18 AAC 50.508 that allows the owner or operator to continue to avoid preconstruction review; or

(2) did not make it possible to avoid preconstruction review, but ~~did make~~ made it possible to avoid a Title V permit or minor permit to operate, the limit remains in effect until the owner or operator obtains

(A) ~~obtains~~ a new Title V permit under this chapter as if the limit had never existed; or

(B) ~~obtains~~ a new limit under this section or under a permit classified in 18 AAC 50.508 that allows the owner or operator to continue to avoid the need for the permit. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.120	AS 46.14.170
	AS 46.14.010	AS 46.14.130	AS 46.14.180
	AS 46.14.020	AS 46.14.140	AS 46.14.250

**18 AAC 50.546. Minor permits: Revisions.** (a) The department will use the procedures of 18 AAC 50.540 – 18 AAC 50.544 to revise a minor permit, either at the request of the permittee, or in accordance ~~consistent~~ with AS 46.14.280.

Delete  
one  
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← (b) Notwithstanding (a) of this section, the department may ~~for its own volition~~  
or upon request by the permittee, revise non-substantive elements of a minor permit without  
further administrative procedures. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority: AS 46.03.020 AS 46.14.120 AS 46.14.170  
AS 46.14.010 AS 46.14.130 AS 46.14.180  
AS 46.14.020 AS 46.14.140 AS 46.14.285

18 AAC 50.560. General <sup>minor</sup> permits. (a) Criteria. The department may issue a general

<sup>minor</sup> permit to allow construction or operation of a stationary source or emission unit that

- (1) requires a minor permit;
- (2) involves the same or similar types of operation;
- (3) involves the same type of emissions; and
- (4) <sup>are</sup> ~~is~~ subject to similar air quality control requirements.

if a person requests to be sent notice by postal mail instead of electronic mail, the department will send the notice by postal mail;

(b) General <sup>minor</sup> Permit <sup>minor</sup> Issuance <sup>minor</sup> Procedures. To issue a general permit, the department

will provide notice and opportunity for public comment on the department's proposed permit by

- (1) posting a public notice on the Alaska Online Public Notice System

established under AS 44.62.175;

by mail or electronic mail

- (2) sending a copy of the notice to persons on a list maintained by the department,

including any person who has requested to be notified; ~~the notice may be sent electronically;~~

- (3) distributing the notice using other means the department <sup>finds necessary for informing the public;</sup> ~~considers~~

~~appropriate;~~

- (4) allowing the public at least 30 days to submit comments; and

- (5) making available for public inspection in the affected area

(A) a description of the stationary sources that would qualify under the

general minor permit;

(B) the results of any department analysis on the effect on air quality;

(C) the reasons for the department's proposed action;

of the proposed or notification form

(D) a copy of the proposed permit and application;

(E) a description of how interested persons may comment on the proposed

general minor

permit, including the period during which the department will accept public comments;

and

C; the department will schedule any public hearing no

(F) the time and place of any public hearing which will not be scheduled

sooner than 30 days after the date the first notice was published.

(c) **Application or Notification Forms.** The department will issue an application or

notification form with each general minor permit. This may include a online or electronic form. The

forms will identify the information that an applicant must provide to operate under the general

minor

permit, including

and location of the stationary source,

(1) information identifying the stationary source and contact information;

(2) any information that is necessary to determine that the stationary source

general minor  
qualifies for the permit;

(3) identification of all equipment to be operated under the general permit; and

(4) a certification by the applicant that the stationary source is capable of

complying with all permit requirements.

(d) **Applying to Construct or Operate under General Permit.** To construct or operate

under a general minor permit, the owner or operator must submit the appropriate completed application or notification form for the specific stationary source type. The general permit will specify

whether the applicant must submit a complete notification form and operate in compliance with

general minor

the permit, or whether the applicant must also obtain department approval to operate under the

under (e) of this section

minor general permit. If the minor general permit requires that the applicant get approval, the department will notify the owner or operator within 30 days after receipt of the application that

- (1) the application is complete;
- (2) additional information is necessary to make the application complete; or
- (3) the stationary source does not qualify for the general permit.

(e) Approval to Construct or Operate under the General Permit. Approval to construct or operate under the minor general permit is granted when the department finds the application complete. If the minor general permit does not require department approval, and if the stationary source meets all of the qualifying criteria and operates in compliance with the minor general permit, the owner or operator may construct or operate under the permit immediately after the department receives a completed notification form. The general minor permit authorizes construction or operation only for

- (1) equipment identified in the application or notification; and
- (2) a location identified under (c), (f), or (g) of this section.

(f) General Permit Content. In a general permit the department will set out

(1) criteria that must be met in order for a stationary source to qualify under the minor general permit;

(2) a the requirement to notify the department of the physical location of the stationary source before commencing construction or operation under the minor general permit if not provided in the application, or notification in accordance the location is

(3) requirements consistent with 18 AAC 50.544;

(4) for portable stationary sources, a notification form and procedures for a change in location; and

(5) any other terms and conditions that are necessary to assure that the stationary source continues to meet the qualifying criteria of the general <sup>minor</sup> permit.

(g) **Relocation.** A portable stationary source is authorized to operate under a general <sup>minor</sup> permit at additional locations not identified in the permit application <sup>or notification</sup> if <sup>the</sup>

(1) ~~the~~ permittee notifies the department by submitting a completed change of location form following the procedures specified in the permit; and

(2) ~~the~~ stationary source will continue to meet all of the permit's <sup>qualifying</sup> applicability criteria at each location. (Eff. \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 46.03.020	AS 46.14.130	AS 46.14.180
	AS 46.14.010	AS 46.14.140	AS 46.14.211
	AS 46.14.020	AS 46.14.150	AS 46.14.250
	AS 46.14.120	AS 46.14.170	

~~18 AAC 50.570. Permit by rule for drilling rigs and associated equipment. (a) The owner or operator of a stationary source that qualifies under this section and that is required to have a permit under 18 AAC 50.502(c)(2)(A) must operate under either the applicable provisions of 18 AAC 50.540 – 18 AAC 50.544, or under this section. This section applies to a portable oil and gas operation that~~

~~(1) contains fuel-burning equipment;~~

~~(2) is not located within 10 kilometers of a Class I area or in a nonattainment area;~~

~~(3) does not operate on the same pad or within a quarter mile of~~

~~(A) another pad on which another drill rig or another well test flare is~~

~~simultaneously operating;~~

(B) ~~an emission unit that emits or has the potential to emit 100 tons or more per year of a regulated air pollutant; or~~

(C) a group of emission units that emits or has the potential to emit 100 tons or more per year of a regulated air pollutant, and that is located on either a single pad or a group of pads that are within a quarter mile of each other;

(4) does not operate within a stationary source that is classified as a major stationary source under 18 AAC 50.306 or 18 AAC 50.311;

(5) does not operate on a pad or platform surrounded by open water;

(6) operates

(A) north of 69 degrees, 30 minutes North latitude, and operates for no more than 180 rig days in any 12 consecutive months at a single pad;

(B) outside the area described in (A) of this paragraph, and operates for no more than 270 rig days in any 12 consecutive months at a single pad; or

(C) anywhere in the state, and burns no more than 1,500,000 gallons of fuel oil in any 12 consecutive months at a single pad;

(7) maintains daily logs that are readily accessible, and that are adequate to demonstrate compliance with this section; a daily entry to a log required under this paragraph must be maintained for at least 60 months after the date of entry; and

(8) does not operate within the boundary of an area identified in the *Summary Prepared by the Department of Environmental Conservation of Coastal Area Boundaries Approved by the Coastal Policy Council (CPC) for Coastal Resource Districts Excluded from the Portable Oil and Gas Operation Permit by Rule (18 AAC 50.390)*, adopted by reference in 18 AAC 50.035(a).

~~(b) The owner or operator of a portable oil and gas operation described in (a) of this~~

section shall ensure that each emission unit complies with the following:

(1) exhaust stacks must discharge emissions vertically for the following:

(A) each internal combustion engine used to power or heat a drilling or camp associated with a portable oil and gas operation;

(B) on lands draining into Cook Inlet, fuel-burning equipment with a rated capacity exceeding five million Btu per hour, high heating value;

(C) on lands not draining into Cook Inlet,

(i) from April 16 through October 15, fuel-burning equipment with a rated capacity exceeding five million Btu per hour, high heating value; and

(ii) from October 16 through April 15, fuel-burning equipment with a rated capacity exceeding 1.7 million Btu per hour, high heating value;

(2) fuel oil burned by a portable oil and gas operation may not contain more than the following amounts of sulfur, unless the fuel oil is brought onto the site in a fuel tank with a capacity of 150 gallons or less, or unless the fuel oil consists of the remainder of fuel oil in each tank from a previous site in an amount not to exceed the half of that tank's capacity or 2,500 gallons, whichever amount is smaller:

(A) at a site north of 69 degrees, 30 minutes North latitude,

(i) 5,000 ppm sulfur by weight, if the owner or operator excludes the general public from within 230 meters of the pad edge;

(ii) 2,500 ppm sulfur by weight, if the owner or operator excludes the general public from within 20 meters of the pad edge; or

(iii) 1,900 ppm sulfur by weight;

(B) at a site on the western drainage of the Kenai Peninsula, 5,000 ppm

sulfur by weight; or

2 ~~(C) at a site outside areas described in (A) and (B) of this paragraph,~~

(i) 5,000 ppm sulfur by weight, if the owner or operator excludes the general public from within 100 meters of the pad edge;

(ii) 2,500 ppm sulfur by weight, if the owner or operator excludes the general public from within 30 meters of the pad edge; or

(iii) 1,500 ppm sulfur by weight.

(c) The department will consider the owner or operator of a portable oil and gas operation to have excluded the general public from an area identified in (b)(2)(A)(i) - (ii) or (C)(i) - (ii) of this section if the owner or operator

(1) has the legal authority to keep the general public from entering the area;

(2) develops and complies with a surveillance plan that is adequate to assure that the general public is excluded from the area inside the boundary; upon receipt of a written request from the department, the owner or operator shall revise the plan as the department considers necessary to assure exclusion of the general public; the plan must

(A) identify site-specific physical barriers to entry; for purposes of this subparagraph, a physical barrier must be a natural site feature, constructed barrier, or combination of the two that is sufficient to exclude the general public; or

(B) provide for each of the following, if physical barriers identified in (A) of this paragraph are not sufficient to exclude the general public:

(i) the posting of signs; the plan must include requirements for wording, placement, and visibility of those signs;

(ii) surveillance; the plan must include requirements for the frequency of surveillance and the methods to be used;

~~(iii) the use of security personnel;~~

~~(iv) a protocol to use if members of the general public approach or~~

enter the area; and

(3) keeps a daily surveillance log sufficient to show compliance status with the surveillance plan; the owner or operator shall retain each daily entry to the log for at least 60 months after the date of the entry, and shall make the log available to the department upon request.

(d) For purposes of establishing fees under AS 46.14.250, the department will consider an owner or operator who complies with the requirements of this section to

(1) have been issued a permit under AS 46.14.170; and

(2) be the permittee.

(e) The owner or operator shall notify the department before operating under this section at any location. For purposes of this subsection, "location" means a pad or pads within a quarter mile of each other. The notification must include

(1) the name and address of the owner or operator;

(2) the name and telephone number of the stationary source contact;

(3) the exact location of the drilling or testing operation, including a map with roads, buildings, water bodies, topography, and adjacent activities;

(4) the expected dates of operation;

(5) payment of emission fees for each state fiscal year as follows:

(A) for operation north of 69 degrees, 30 minutes North latitude,

(i) \$943 for operation at a single ice pad or for operation of a single portable oil and gas operation at multiple ice pads during a winter drilling season; or

~~(ii) \$2,829 for operation of a single portable oil and gas operation~~

~~during a state fiscal year at a single location that is not a seasonal ice pad;~~

(B) for operation outside the area described in (A) of this paragraph, \$738

for operation at a single location;

(6) a statement of whether the owner or operator intends to use fuel with a sulfur content that requires the owner or operator to exclude the general public under (b)(2) of this section; and

(7) if the owner or operator intends to use fuel with a sulfur content that requires the owner or operator to exclude the general public under (b)(2) of this section,

(A) documentation that demonstrates that the owner or operator has the legal authority to exclude the public; and

(B) a copy of the surveillance plan required under (c)(2) of this section, or if the department already has a copy, identification of that plan.

(f) If a portable oil and gas operation qualifies under (a) of this section within a stationary source classified under 18 AAC 50.326 as needing a Title V permit, the requirements of this section are applicable requirements that must be included in the stationary source's operating permit.

(g) If the owner or operator of a portable oil and gas operation received a complaint about emissions from the stationary source, the owner or operator shall

(1) investigate the complaint;

(2) make an entry of the complaint in a log maintained for the purpose of documenting action on complaints; the entry must describe the results of the investigation required by (1) of this subsection;

(3) notify the department within 24 hours after the complaint is received;

~~(4) take any corrective action that the department considers necessary to alleviate~~

~~the complaint; and~~

(5) retain a log entry required under (2) of this subsection for at least 60 months after the date of entry, and make the log available to the department upon request. (Eff.

\_\_ / \_\_ / \_\_, Register \_\_

Authority: AS 44.46.025 AS 46.14.030 AS 46.14.170

AS 46.14.010 AS 46.14.130 AS 46.14.250

AS 46.14.020 AS 46.14.140

18 AAC 50.900(d)(2) is amended to read:

(2) if the requested change requires a revision to a permit term or condition that is not expressly required by this chapter, the request may be submitted as an application [A REQUEST] for a minor or significant permit modification

18 AAC 50.910 is repealed:

[REVISION] under 40 C.F.R. 71.7(e), adopted by reference in 18 AAC 50.040, and subject to 18 AAC 50.326 [18 AAC 50.375].

double  
space {

18 AAC 50.910. Establishing level of actual emissions. Repealed. (Eff. 1/18/97, Register 141; repealed \_\_ / \_\_ / \_\_, Register \_\_)

(Eff. 1/18/97,  
Register 141;  
on \_\_ / \_\_ / \_\_,  
Register \_\_)

Authority: AS 46.03.020

AS 46.14.010

AS 46.14.030

Authority: AS 46.03.020 AS 46.14.030 AS 46.14.300

18 AAC 50.990 is repealed and readopted:

unless the context  
requires otherwise,

18 AAC 50.990. Definitions. In this chapter

(b)(2), adopted by reference  
in 18 AAC 50.040;

(1) "actual emissions" has the meaning given in 40 C.F.R. 52.21(b);

(2) "administrator" means the administrator of the United States Environmental Protection Agency, except as otherwise provided in 18 AAC 50.306 – 18 AAC 50.326;

(3) "air pollutant" has the meaning given in AS 46.14.990;

(4) "air curtain incinerator" means a device in which large amounts of combustibles

are burned in a rectangular containment equipped with an overfire air system;

(5) "air pollution" has the meaning given in AS 46.03.900;

(6) "air pollution control equipment" means equipment or a portion of equipment designed to reduce the emissions of an air pollutant to the ambient air;

(7) "air quality control requirement" means any obligation created by AS 46.14,

this chapter, or a term or condition of a preconstruction permit issued by the department before January 18, 1997;

(8) "allowable emissions" has the meaning given in 40 C.F.R. 52.21(b), except <sup>or revising</sup> that for the purposes of establishing a plantwide applicability <sup>limitation (PAL) under 40 C.F.R. 52.21(aa),</sup> ~~limit~~ <sup>adopted by reference in 18 AAC 50.040,</sup>

(A) <sup>means the emissions rate of an</sup> ~~The~~ allowable emissions <sup>is</sup> for any emission unit shall be calculated considering any emission limitations that are enforceable as a practical matter on the emission unit's potential to emit; and

(B) <sup>in the definition of</sup> ~~An emission unit's~~ potential to emit shall be determined using the <sup>in 40 C.F.R. 51.166(b),</sup> ~~definition in 18 AAC 50.990, except that the words "or enforceable as a practical matter"~~ <sup>or</sup> ~~should be added after "federally enforceable"~~ <sup>as provided in 40 C.F.R. 51.166(w)(2)(ii)(b);</sup>

(9) "ambient air" has the meaning given in AS 46.14.990; <sup>total</sup>

(10) "ambient air quality standards" has the meaning given in AS 46.14.990;

(11) "approved" means approved by the department, ~~except as otherwise stated in~~ <sup>3</sup> ~~this chapter;~~

(12) "asphalt plant" means a stationary source that manufactures asphalt concrete by heating and drying aggregate and mixing asphalt cements; <sup>"asphalt plant"</sup> ~~the term~~ includes any combination of dryers, systems for screening, handling, storing, and weighing dried aggregate, systems for loading, transferring, and storing mineral filler, systems for mixing, transferring, and storing asphalt concrete, and emission control systems within the stationary source;

(13) "assessable emission" has the meaning given in AS 46.14.250(h)(1);

(14) "begin actual construction" has the meaning given in 40 C.F.R. 52.21(b); <sup>2(11), adopted by reference in 18 AAC 50.040</sup>

(15) "black smoke" means smoke having the color of emissions produced by the incomplete combustion of toluene in the double wall combustion chamber of a smoke generator;

(16) "Btu" means British thermal unit;

(17) "building, structure, facility, or installation" has the meaning given in AS

46.14.990;

(18) "casting off" means the first release of a line securing a vessel to shore as part of the process of leaving berth;

(19) "Class I area," "Class II area," and "Class III area" mean an area designated in 18 AAC 50.015, Table 1, as Class I, Class II, or Class III respectively;

(20) "Clean Air Act" means 42 U.S.C. 7401 - 7671q, as amended through November 15, 1990;

2, adopted by reference in 18 AAC 50.040C

(21) "clean unit" has the meaning given in 40 C.F.R. 52.21(b)(42);

(22) "coal preparation plant" means a stationary source that prepares coal by breaking, crushing, screening, wet or dry cleaning, or thermal drying, and that processes more than 200 tons per day of coal; "coal preparation plant" the term includes any combination of thermal dryers, pneumatic coal-cleaning equipment, coal processing and conveying equipment, breakers and crushers, coal storage systems, and coal transfer systems within the stationary source;

~~(23) "commence" as applied to construction of a stationary source or modification has the meaning given in 40 C.F.R. 52.21(b)(9);~~

(24) "commissioner" means the commissioner of environmental conservation;  
~~has the meaning given in AS 46.14.990;~~

(25) "conservation vent" means a vent containing a pressure-vacuum valve designed to minimize emissions of vapors from a storage tank due to changes in temperature and pressure;

(26) "construct" or "construction" has the meaning given to "construction" in AS

46.14.990;

(27) "construction permit" has the meaning given in AS 46.14.990;

(28) "delivery tank" means the tank portion of a tank truck, tank trailer, or rail

is "delivery tank"  
 tank car, but does not include a tank of less than 2,500 gallons used to test or certify metering devices;

means the Department of Environmental Conservation;

(36) "expected number," as that term is used in

(A) 18 AAC 50.010(1)(B), has the meaning given in 40 C.F.R. Part 50, Appendix K, sec. 2.1, adopted by reference in 18 AAC 50.035; and

(B) 18 AAC 50.010(4), has the meaning given in 40 C.F.R. Part 50, Appendix H, adopted

by applicable emission standard or limitation;

reference in 18 AAC 50.035;

annual arithmetic mean

(36) "expected," as that term is used in 18 AAC 50.010, has the meaning given in

(5) sec. 2.2,

40 C.F.R. Part 50, Appendices K and H, adopted by reference in 18 AAC 50.035;

(37) "federal administrator" has the meaning given in AS 46.14.990 and includes

the federal administrator's designee;

(A)

(38) "fire service" means a fire department registered with the state fire marshal

under 13 AAC 52.030, ~~an organized fire brigade established under 8 AAC 61.010, Subchapter~~

(B)

~~1302(a)(1), and a~~ wildland fire suppression organization within the Alaska Department of

Natural Resources, ~~Division of Forestry, the~~ United States Forest Service, or ~~the~~ United States

Bureau of Land Management/Alaska Fire Service;

is "fuel-burning equipment"

(39) "fuel-burning equipment" means a combustion device capable of emission

is

is "fuel-burning equipment" does not include

including flares, ~~but excluding~~ mobile internal combustion engines, incinerators, marine vessels,

wood-fired heating devices, ~~and~~ backyard barbecues;

(40) "fugitive emissions" has the meaning given in AS 46.14.990;

(41) "gasoline distribution facility" means a stationary source that stores fuel

including gasoline and that transfers gasoline from storage tanks to delivery tanks;

(42) "good engineering practice stack height"

(A) for stack heights exceeding 213 feet, has the meaning given in 40 C.F.R. 51.100(ii), as revised as of July 1, 2003 and ~~December 19, 1996~~, adopted by reference; or

(B) for all other stack heights, means the actual physical height of the stack;

(43) "grate cleaning" means removing ash from fireboxes;

(44) "hazardous air pollutant" has the meaning given in AS 46.14.990;

(45) "hazardous air pollutant major source" has the meaning given <sup>Cn</sup> for the term C, adopted by reference in 18 AAC 50.040C "major source" in 40 C.F.R. 63.2;  
A

(46) "hazardous waste" means a waste within the scope of 18 AAC 62.020;

(47) "impairment of visibility" means a humanly perceptible change in visibility such as visual range, contrast, or coloration, from that which would exist under natural conditions;

(48) "incinerator" means a device used for the thermal oxidation of garbage or other wastes, other than a wood-fired heating device, including an air curtain incinerator burning waste other than clean lumber, wood wastes, or yard wastes;

(49) "industrial process" means the extraction of raw material or the physical or chemical transformation of raw material in either composition or character;

(50) "lowest achievable emission rate" <sup>or "LAER"</sup> has the meaning given in 40 C.F.R. C, adopted by reference in 18 AAC 50.040C 51.165(a)(1)(xiii);  
A

(51) "maintenance area" means a geographical area that EPA previously designated as a nonattainment area and subsequently designated as an "attainment area" under 42 U.S.C. 7407(d)(3) (Clean Air Act, ~~Section~~ <sup>§</sup> 107(d)(3));  
le ⑤

(52) "major stationary source" means

(A) for the purposes of 18 AAC 50.306, a stationary source or physical change that meets the definition of "major stationary source" under 40 C.F.R.

51.166(b)(1);

(B) for the purposes of 18 AAC 50.311, a stationary source or physical change that meets the definition of "major stationary source" under 40 C.F.R.

51.165(a)(1)(iv);

(53) "major modification" means

(A) for the purposes of 18 AAC 50.306, a change that meets the definition of "major modification" under 40 C.F.R. 51.166(b)(2);

(B) for the purposes of 18 AAC 50.311, a change that meets the definition of "major modification" under 40 C.F.R. 51.165(a)(1)(v);

(54) "make fast to the shore" means to secure the last line necessary to secure a vessel in its berth;

(55) "marine vessel" means a seagoing craft, ship, or barge;

(56) "maximum achievable control technology (MACT)" means a maximum achievable control technology emission limitation defined in 40 C.F.R. 63.51, adopted by reference in 18 AAC 50.040, for a new or existing source;

(57) "maximum true vapor pressure" means the equilibrium partial pressure exerted by a stored liquid at the local maximum monthly average temperature reported by the National Weather Service;

(58) "minor permit" means a permit issued under 18 AAC 50.500<sup>2</sup> - 18 AAC 50.510<sup>6</sup>;

(59) "modification" or "modify" has the meaning given to "modification" in AS

Keep "AS" together with rest of citation

46.14.990;

(60) "Nikiski Industrial Area" means <sup>the</sup> following area of the Kenai Peninsula <sup>within</sup>

~~Township 7 North Range 12 West, Sections 21, 22, 27, and 28;~~

Township 7 North, Range 12 West,  
Seward Meridian

(61) "nonattainment air pollutant" means the air pollutant for which a particular area has been designated by the federal administrator as nonattainment in 40 C.F.R. 81.302;

(62) "nonattainment area" means, for a particular air pollutant, an area designated as nonattainment for that air pollutant;

(63) "nonroad engine" has the meaning given in 40 C.F.R. 89.2, as revised as of July 1, 2003, adopted by reference;

(64) "nonroutine repair" means an immediate repair to correct an unavoidable emergency or malfunction;

(65) "open burning" means the burning of a material that results in the products of combustion being emitted directly into the ambient air without passing through a stack, flare, vent, or other opening of an emission unit from which an air pollutant could be emitted;

(66) "operator" has the meaning given in AS 46.14.990;

(67) "organic vapors" means any organic compound or mixture of compounds evaporated from volatile liquid or any organic compound or mixture of compounds in aerosols formed from volatile liquid;

(68) "ORL" means owner requested limit;

<sup>9</sup>  
(68) "owner" has the meaning given in AS 46.14.990;

(2)(viii), adopted by reference  
in 18 AAC 50.040

<sup>(70)</sup>  
(69) "PAL major modification" has the meaning given in 40 C.F.R. 52.21(aa);

~~(70) "PAL permit" means a permit issued under 18 AAC 50.306, 18 AAC 50.311, 18 AAC 50.326, or 18 AAC 50.508(a)(3) and 18 AAC 50.542 that establishes a PAL for a major stationary source;~~

~~(71) "PAL pollutant" means the pollutant for which a PAL is established at a~~

~~Major stationary sources;~~

(1)  
(72) "particulate matter" means a material, except water, that is or has been airborne and exists as a liquid or solid at standard conditions;

(2)  
(73) "permit" includes all of the elements described in the definitions of "construction permit" and "operating permit" in AS 46.14.990 and the same elements as they occur in a minor permit under AS 46.14.130(c);

(3)  
(74) "person" has the meaning given in AS 46.14.990;

(4)  
(75) "petroleum refinery" means a stationary source engaged in the distillation of petroleum or re-distillation, cracking, or reforming of unfinished petroleum derivatives;

(5)  
(76) "plantwide applicability limitation" or "PAL" means an emission limitation expressed in tons per year, for <sup>an air</sup> pollutant at a major stationary source, that is enforceable as a practical matter and established source-wide in accordance with 40 C.F.R. 52.21(aa);

(6)  
(77) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers;

(7)  
(78) "Pollution Control Project" or "PCP" has the meaning given in 40 C.F.R. 52.21(b)(32); <sup>C, adopted by reference in 18 AAC 50.040</sup>

(8)  
(79) "Port of Anchorage stationary source" means a stationary source located in the Port of Anchorage that contains one or more emission units subject to a standard in 18 AAC 50.085 or 18 AAC 50.090;

~~(80) "portable oil and gas operation" means an operation that moves from site to site to drill or test an oil or gas well, and that uses drill rigs, equipment associated with drill rigs and drill operations, well test flares, equipment associated with well test flares, camps, or equipment associated with camps; "portable oil and gas operation" does not include equipment that operates at a single pad or platform, or at pads within a quarter of a mile of each other, for~~

~~More than 24 consecutive months or operations that remain at the same location, as defined in 40~~

C.F.R. 89.2, for 12 consecutive months or more; for purposes of this paragraph,

(A) periods of inactivity between operations count towards the 12 and 24 consecutive month limits; and

(B) "test" means a test that involves the use of a flare;

(79)

(81) "potential emissions" has the meaning given to the term "potential to emit"

in AS 46.14.990;

(80)

(82) "potential to emit" has the meaning given in AS 46.14.990;

(1)

(83) "ppm" means parts per million;

(2)

(84) "practical means available" means, when approving the open burning of

liquid hydrocarbons produced during oil or gas well testing, that all alternative disposal methods will have been analyzed and, where an environmentally acceptable procedure exists, that procedure will be required;

(3)

(85) "project" means ~~a~~ <sup>close one if ace</sup> physical change or change in the method of operation of

an existing stationary source;

~~9~~ (84) "PSD" means prevention of significant deterioration;

~~(86) "PSD major stationary source" has the meaning given to "major stationary~~

~~source" in 40 C.F.R. 52.21(b)(1);~~

~~(87) "PSD major modification" has the meaning given to major modification in~~

~~40 C.F.R. 52.21(b)(2);~~

(5)

(88) "PSD permit" means a permit required under 18 AAC 50.306;

(6)

(89) "putrescible garbage" means material capable of being decomposed with

sufficient rapidity to cause nuisance or obnoxious odors;

(87)

(90) "rated capacity" means the maximum sustained capacity of the equipment

based on the fuel or raw material, or combination of fuels or raw materials, that is actually used

and gives the greatest capacity;

(88)  
(91) "reconstruct" and "reconstruction" have the meaning given <sup>to</sup> reconstruction<sup>✓</sup>  
C, adopted by reference in 18 AAC 50.040C  
in 40 C.F.R. 63.2;

(89)  
(92) "reduction in visibility" means the obscuring of an observer's vision;

(90)  
(93) "regionally significant project" has the meaning given in 40 C.F.R. 93.101<sup>✓</sup>  
adopted by reference in 18 AAC 50.710;

(91)  
(94) "regulated air pollutant" has the meaning given in AS 46.14.990;

(2)  
(95) "regulated NSR pollutant" has the meaning given in 40 C.F.R. 51.166(b); <sup>2(49)</sup>

(3)  
(96) "responsible official" means

(A) for a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or a duly-authorized representative of that person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit under AS 46.14 or this chapter, and

(i) the facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million in second quarter 1980 dollars; or

(ii) the delegation of authority to the representative is approved in advance by the department;

(B) for a partnership or sole proprietorship, a general partner or the proprietor, respectively; and

(C) for a public agency, a principal executive officer or ranking elected official; for the purposes of this chapter, a principal executive officer of a federal agency

includes the chief executive officer with responsibility for the overall operations of a principal geographic unit in this state;

<sup>(4)</sup>  
(97) "reviewing authority" means the department;

<sup>(5)</sup>  
(98) "rig day" means each calendar day that a single drill rig is drilling or testing an oil or gas well in normal operation or standby service; "rig day" does not include a day when

(A) equipment is not operating; or

(B) only light plants are operating;

<sup>(6)</sup>  
(99) "scheduled maintenance" means activities planned in advance designed to keep equipment in good working order;

<sup>(97)</sup>  
(100) "shutdown" means performing all activities necessary to cease operation of a source;

<sup>(98)</sup>  
(101) "small business facility" has the meaning given in AS 46.14.990;

<sup>(99)</sup>  
(102) "smolder" means to burn and smoke without flame;

<sup>(10)</sup>  
(103) "soot-blowing" means using steam or compressed air to remove carbon from a furnace or from a boiler's heat transfer surfaces;

<sup>(1)</sup>  
(104) "stack" has the meaning given in AS 46.14.990;

<sup>(2)</sup>  
(105) "standard conditions" means dry gas at 68° F and an absolute pressure of 760 millimeters of mercury;

<sup>(3)</sup>  
(106) "startup" means

(A) for an internal combustion engine aboard a marine vessel, the point in time that emissions begin to exit from the vessel as a result of igniting the engine; and

(B) for all other sources, the setting into operation of a source for any reason;

<sup>(4)</sup>  
(107) "state air quality control plan" means the plan adopted by reference in

18 AAC 50.030;

(108) "stationary source" has the meaning given in AS 46.14.990;

(109) "technology-based emission standard" means

(A) a best available control technology standard;

with the meaning given in 40 C.F.R. 52.21(b)(12),  
adopted by reference  
in 18 AAC 50.040

(LAER)

(B) a lowest achievable emission rate standard;

(C) a maximum achievable control technology standard established under

40 C.F.R. Part 63, Subpart B, adopted by reference in 18 AAC 50.040(c);

(D) a standard adopted by reference in 18 AAC 50.040(a) or (c); and

(E) any other similar standard for which the stringency of the standard is based on determinations of what is technologically feasible, considering relevant factors;

(107)

(110) "temporary construction activity" means construction that is completed in

24 months or less from the date construction begins and includes any period of inactivity during

that 24-month period;

(108)

(111) "thermal soil remediation unit" means a stationary source that causes petroleum contamination to be desorbed from soils by heating the soil in a kiln;

(109)

(112) "Title I permit" means a permit issued under 18 AAC 50.306, 18 AAC

50.311, 18 AAC 50.316, or 18 AAC 50.502 – 18 AAC 50.510 or a permit issued under the

former 18 AAC 50.300 – 325, or the former 18 AAC 50.400;

or a (B) construction permit issued before {effective date of regulations};  
or  
(C) permit to operate issued before January 18, 1997;

(113)

"Title V permit" means a permit required by AS 46.14.130(b);

(114)

"Title V source" means a stationary source or stationary sources classified

as needing a permit under AS 46.14.130(b);

(115)

"TPY" has the meaning given in AS 46.14.990;

(116)

"total suspended particulate" or "TSP" means particulate matter as

measured by a method specified in the department's *Air Quality Assurance Manual for Ambient*

*Air Quality Monitoring*, adopted by reference in 18 AAC 50.030;

(117)<sup>4</sup> "uncontaminated fuel" means a hydrocarbon fuel, excluding propane, that does not contain used oil, crude oil, or a hazardous waste;

(118)<sup>5</sup> "upset" means the sudden failure of equipment or a process to operate in a normal and usual manner.

(119)<sup>6</sup> "vapor collection system" means all equipment, ducts, piping, valves, and fittings necessary to prevent organic vapors displaced at a loading rack from being emitted into the atmosphere;

(120)<sup>(117)</sup> "vapor-laden delivery tank" means a delivery tank that is being loaded with volatile liquid or that was loaded with volatile liquid during the immediately preceding load;

(121)<sup>118</sup> "volatile liquid" means a liquid compound or mixture of compounds that exerts a maximum true vapor pressure of 0.5 pounds per square inch or more;

(122)<sup>(119)</sup> "volatile liquid loading rack" means all equipment, loading arms, piping, meters, and fittings used to fill delivery tanks with volatile liquid;

(123)<sup>8</sup> "volatile liquid storage tank" means any stationary storage vessel that contains a volatile liquid;

(124)<sup>2</sup> "volatile organic compound" or "VOC" has the meaning given in 40 C.F.R. 51.100(s), as revised as of July 1, 2003 and adopted by reference;

(124) "weighing anchor" means to begin heaving in the anchor with intent to retrieve it and get underway, regardless of how the chain tends when heaving in begins;

(125)<sup>3</sup> "wood-fired heating device" means a device designed for wood combustion so that usable heat is derived for the interior of a building and includes wood-fired stoves,

fireplaces, wood-fired cooking stoves, and combination fuel furnaces or boilers that burn wood;

"wood-fired heating device" but does not include a device that is primarily a part of an industrial process and incidentally provides usable heat for the interior of a building. Eff. 1/18/97, Register 141; am 6/14/98,

Register 146; am 6/21/98, Register 146; am 9/4/98, Register 147; am 11/4/99, Register 152; am

Register \_\_, \_\_ 2004 ENVIRONMENTAL CONSERVATION

1/1/2000, Register 152; am 2/2/2002, Register 161; am 5/3/2002, Register 162; am 11/15/2002,

Register 164; am 8/8/2003, Register 167; am \_\_/\_\_/\_\_, Register \_\_)

Authority:	AS 44.46.025	AS 46.14.140	AS 46.14.250
	AS 46.03.020	AS 46.14.150	AS 46.14.255
	AS 46.03.710	AS 46.14.160	AS 46.14.280
	AS 46.14.010	AS 46.14.170	AS 46.14.285
	AS 46.14.020	AS 46.14.180	AS 46.14.290
	AS 46.14.030	AS 46.14.210	AS 46.14.300
	AS 46.14.120	AS 46.14.230	AS 46.14.560
	AS 46.14.130	AS 46.14.240	Sec. 30, ch. 74, SLA 1993